

Working Paper Series

**DO SECOND CHAMBERS STILL HAVE A ROLE TO
PLAY?**

**THE ITALIAN AND THE BELGIAN SENATES
AND THE PROCESS OF EUROPEAN
INTEGRATION**

SOG-WP47/2019

ISSN: 2282-4189

Elena Maria Petrich

This text may be reproduced only for personal research purposes. Additional reproduction for other purposes, whether in hard copies or electronically, requires the consent of the author(s), editor(s).

If cited or quoted, references should be made to the full name of the author(s), editor(s), the title, the working paper, or the other series, the year and the publisher.

© 2019 Elena Maria Petrich

Printed in Italy, May 2019

LUISS School of Government

Via di Villa Emiliani, 14

00197 Rome ITALY

email: sog@luiss.it

web: www.sog.luiss.it



 **Jean Monnet Centre of Excellence**
on Centrifugal Europe and
the Challenge of Integration

(Contract n. 574597-EPP-1-2016-1-IT-EPPJMO-CoE)

ABSTRACT

*The purpose of this research is to analyse the following two-fold research question: a) does the Europeanization influence the functions of the second Chambers? And b) do second chambers still have a role to play within the broader European institutional framework? The hypotheses investigated are that Europeanization does, to a certain extent, affect the role of the upper houses and that the scope of this impact is indeed ambiguous. This essay builds on the Neo-institutional perspective because of the importance past sediments have in shaping the current institutions' appearance. To avoid the risk of excessive vagueness, the focus is limited to Italy and Belgium whose Senates are a very good example for institutions struggling to find a *ner raison d'être* due to external and internal pressures. After a brief overview of the two bicameral systems, the focus will shift to the relationship between Europeanization and the reform processes of the two Senates. To draw conclusions some viable options will be presented.*

Keywords: *Europeanization, Early Warning Mechanism, Political Dialogue, Senate, Belgium, Italy*

AUTHOR INFORMATION

Elena Maria Petrich holds a Double-Degree Master in Political Science and International Relations with a specialisation in global studies. After graduating in International Relations at the University of Roma Tre, she reconfirmed the academic path at the LUISS Guido Carli University. The last year of the Master course was completed in Belgium at the ULB where this research was carried out.

Contact Information:

Elenamaria.petrich@gmail.com

TABLE OF CONTENTS

INTRODUCTION	1
1. UPPER CHAMBERS IN ITALY AND IN BELGIUM: THE STRUCTURAL AND FUNCTIONAL DIMENSION.....	4
1.1 The Unusual Powers of the Italian Senate in a Comparative Perspective	4
1.2 The Belgian Senate: An Empty Upper Chamber?	7
2. BICAMERALISM AND THE EUROPEAN INTEGRATION PROCESS.....	8
2.1 The Europeanization of the Italian Senate	9
2.2 The difficult adaptation in Belgium.....	13
2.3 A comparative view: why did the two Senates react differently?.....	14
3. THE EUROPEANIZATION OF THE INTRA-BICAMERAL PROCEDURE.....	17
3.1 The Italian symmetric bicameral system and the Senate proactive participation in the EU affairs	18
3.2 Devolution of power and the inactivism of the Belgian Senate.....	21
3.3 Tackling the Problem: Different Institutional Path Require Different Solutions	23
CONCLUSIONS.....	30
BIBLIOGRAPHY	36

INTRODUCTION

This work builds on the premises that domestic institutional arrangements are challenged by internal and external factors questioning their change-resisting nature. Institutions are at the centre of forces pulling in two opposite directions: on the one hand past sediments cause their rigidity and affect their evolutionary path by preventing any radical change; but on the other phenomena pushing them towards transformation and adaptation do exist.

European integration is here considered as the main driver of domestic institutional change which however, far from being homogenizing, triggered different reactions according to specific internal arrangements.

Before getting to the heart of the matter, some clarifications are due regarding the term *Europeanization* used all along the analysis to indicate the main phenomenon analysed.

This word is commonly used to indicate the process of becoming more European-like through the acquisition of a European character or scope. However, this definition is too broad and does not provide enough details neither regarding what 'European character or scope' stands for, nor about the modalities in which the process takes place. As Radealli (2000) maintains, under this definition all things influenced by Europe could be said to be Europeanized. If we broaden the concept up to the point of including all the policy, cultural, linguistic or administrative changes, we would incur the risk of conceptual stretching from which Sartori warns us (Sartori 1970, 1034). In this case we would have a word becoming all things to everyone but to some extent almost empty (Howell 2002, 9). To avoid this danger, some clarifications will be provided.

When dealing with Europeanization, we refer to a process built on the idea of multi-level governance which is:

‘a system of continuous interactions among nested governments at several territorial tiers – supranational, national, local – as a result of the broad process of institutional creation and decisional re-allocation that has pulled some previously centralized functions of the state up to the supranational level and some to the local/regional level’ (Marks 1993, 392).

Thus, the idea of a compound governance shared among several actors at different layers, already entails a degree of interplay among them. It is difficult to define a clear causal relationship between the actors involved, and here comes the theoretical divide among scholars supporting a top-down vision on the one hand, those fostering a bottom-up one and finally those standing in the middle.

According to the 'top-down' approach, Europeanization is seen as the impact of European institutions, both formal and informal, onto the national dimension. In this case the state is considered as reactive towards incentives stemming from the supranational dimension. One of the earliest scholars to define the concept in these terms is Ladrech who considers Europeanization as 'an incremental process of re-orienting the direction and shape of politics to the extent that EC (i.e. European Community) political and economic dynamics become part of the organisational logic of national politics and policy making' (Ladrech 1994, 70). This position is shared by Héritier (2001) who looks at the Europeanization as the impact of the European decisions on the member states' policies, decision-making processes and institutional structures. For Börzel as well (1999, 574) Europeanization can be explained as a process by which domestic policy areas are increasingly subjected to European influence. Indeed, as the scholar points out, along with the institutional structures, also the political processes at the national level are impacted (Börzel, 2002, 193).

A further dimension of Europeanization is the 'bottom-up' perspective. While the 'top-down' process consists in the 'down-loading' of formal and informal institutions from the supranational to the national level, in the 'bottom-up' approach the relation is reversed. Going on in using the IT metaphor, in this case we could think at the dynamic as an 'up-loading' process where states are the origin of factors affecting the European dimension (political processes, institutional dynamics and so on). Under this light, member states play an active role in pushing powers and competencies to the European level, by thus contributing to the creation of the supranational entity.

Despite none of the above-mentioned definitions is false, they cannot be considered in their singularity if the purpose is to provide a complete and truthful picture of what Europeanization stands for. In the analysis of specific dynamics one institution may exert a more visible pressure over the other, nonetheless it is never a matter of purely unilateral influences. As Featherstone and Kazamias (2001) state, Europeanization is a dynamic process that develops over time and through a complex dialogue among variables. In addition to that, it could produce divergent, contradictory and contingent effects (Howell 2002, 7). The direction is thus far from being one-sided, with influences stemming both from the national and the supranational level. Top-down and bottom-up dynamics, as well as horizontal and vertical transfers, take place at the same time giving rise to fluid interplays between the actors involved.

For the purpose of this research, the top-down dynamic is considered as the main reason behind domestic institutional rearrangements. However, member states are far from being mere passive agents given their reactive attitude towards European incentives. Indeed, they trigger both domestic adaptation and a proactive dialogue with European institutions.

Having settled these points, the research focuses on how upper chambers are responding to European incentives since there are several aspects of the topic that are worth examining due to the lack of consideration they enjoy if compared to their lower counterparts. More specifically, the attention will be drawn to the participation of national parliaments in two instruments institutionalized by the Lisbon Treaty, the Early warning Mechanism (EWM) and the Political Dialogue, with a focus on the role that the second chambers hold.

The purpose of this research is to analyse the following two-fold research question: a) does the Europeanization influence the functions of the second Chambers? And b) Do second chambers still have a role to play within the broader European institutional framework? The hypotheses investigated are that Europeanization does, to a certain extent, affect the role of the upper houses and that the scope of this impact is indeed ambiguous. Indeed, it is not possible to generalize about the reaction each national second chamber will have, given that endogenous factors are fundamental from this point of view. Indeed, the assessment of the impact of the Europeanization hinges on the national institutional framework and constitutional identity.

This is why, in line with most of the existing studies on the topic, I chose to adopt a Neo-institutional perspective due to the importance past sediments do have in shaping the current institutions' appearance. Since the EU acknowledges the importance of subnational entities for an effective implementation of European policies, it follows that the European integration process is pushing towards enhancing their role at the European level. This happens may happen in different ways, however, in the case of federal states, the Senate may be the official channel to give a voice to subnational entities.

In order to come up with a convincing answer to my twofold question, I focused on how second chambers are reacting in Italy, a strongly decentralized country, and in Belgium, a federal state. Their Senates are two very good examples of institutions struggling to find a new *raison d'être* because of external (i.e. mainly the European integration process) and internal pressures, and the principle of territorial representation is one of the reason able to justify their existence. However, as in the Belgian case, it is not always enough, and it is questionable if a territorial chamber, even if in a federal state, is actually necessary.

After a brief overview of the two bicameral systems, the focus will shift to the relationship between Europeanization and the reform processes of the two Senates. Finally, in the light of the needs of each country, to provide point b) of the research question with a convincing answer, the paper also tries to suggest some possible solutions to get the Belgian and Italian Senate out of the impasse.

1. UPPER CHAMBERS IN ITALY AND IN BELGIUM: THE STRUCTURAL AND FUNCTIONAL DIMENSION

Bicameralism is a multi-purposed organizational technique. The lower house responds to a purely representative rationale, but the reasons behind the upper chamber depends on the historical and political culture of the considered state. For the purpose of this work, the focus is limited to the principle of territorial representation.

A territorial chamber is intended to be a place of expression of territorial interests as a supplementary function of the political claims voiced in the lower house. Under this light, the parliament becomes an indispensable structure for the integration of pluralism in the unity (Elia 2001, 15).

Starting from this premises the following paragraphs will be devoted to the paths Italy and Belgium decided to undertake to deal with the territorial principle.

1.1 *The Unusual Powers of the Italian Senate in a Comparative Perspective*

Italian bicameralism¹ stands against the logic that commonly attributes to the second chamber a differentiated role from the first. Thus, in this case it seems inappropriate to speak of the two legislative bodies in terms of ‘upper’ and ‘lower’ Chamber, given that they result from an identical process. The Chamber of Deputies and the Senate of the Republic, besides benefiting from the same legitimacy, have identical powers both in legislative matters and in terms of political orientation. This peculiarity is considered the origin of the main difficulties of the regime which highlights the imperfections of the so-called perfect bicameralism (Brillat 2016, 587).

This peculiar model of *perfect bicameralism*² was the result of a heated debate³ within the Constituent Assembly which ended with the creation of a *chambre de réflexion* designed to ensure

¹ The bicameral choice in Italy dates back to the Napoleonic constitution of Bologna of 1796, but was only implemented with the Albertine Statute in 1848.

² By way of example, in the Italian legal system, the legislative function is carried out by both chambers, which exercise it ‘collectively’ (Article 70 of the Constitution). The fiduciary relationship as well, which normally is a prerogative of the lower chamber, is in the hands of both the houses as stated by the Article 94 of the constitution: “The Government must receive the confidence of both Houses of Parliament. Each House grants or withdraws its confidence through a reasoned motion voted on by roll-call [...]”.

³ One of the first problems that the Constituent Assembly had to face was the choice between a single-chamber or a bicameral parliament. The debate between proponents of unicameralism³ on one side and bicameralism on the other was hard but brief. Nonetheless, the advocates of the bicameral form were significantly divided on the role and the functions those two chambers should be given and, most importantly, on what they were supposed to represent. There were those standing for a second chamber representative of the interest of the newly created Regions; those claiming for the creation of a second chamber made up of representatives of the different working and professional categories³ (Campodonico 2016, 20); a group asking for a second to delay the revolutionary tendency that could have developed in the Chamber of Deputies and finally a minority calling for a reproduction of the pre-fascist institutions. The proposal of a chamber elected by a regional council, in line with the bicameralism typical of federal states, became impossible after the de facto imposition by the monochamber champions (Fusaro 2013, 5) of the universal suffrage and

greater weighting of legislative acts and to counterbalance the lower. What is more, functional parity between the two chambers, was established leading to the Italian undifferentiated bicameralism based on strict parity (Fusaro 2013, 6).

The only aspects differentiating the two legislative bodies were: (a) the different number of members (630 deputies against 315 senators); (b) the minimum number of senators to whom each region was entitled; (c) the different duration of the mandate (5 years for the lower house and 6 for the upper one); (d) the different age required for the active and passive electorate (to become a senator, it is necessary to be aged 25 while to become a senator 40, moreover to vote for the senate one must be 25 years old); the presence of a number, although small, of senators for life. However; even if these elements do not effectively impact on the equality of the two chambers, whose differentiation was thereby randomly left to the will of the voters. Despite the elections at first were to be held in differentiated time, this did not prevent that both the chambers reflected the same political majority.

The bicameral principle was therefore implemented but deprived of its original purpose. The Italian scholar Crisafulli (1973) labelled the Italian bicameralism as “absurd and cumbersome”. Its inadequacy was evident from the very beginning, as the many attempts to modify the mechanism confirms⁴.

Despite Italy cannot be considered a truly federal state, the Regions today play a major role in both the ascendant phase of law-creation and in the descending phase of law-enforcement. The administrative decentralization and recognition of Regions was already envisaged in the constitutional text of 1948 but it has been disregarded for more than twenty years. Only in 1970 with the approval of the electoral law No. 281 of 16 May⁵, the recognition of the subnational entities finally began (Strazza 2008).

the direct election of both the chambers. The defeat of the advocates of the Regions marked the beginning of all the future difficulties to reform the upper chamber. Regarding the regional basis mentioned by Article 57 of the Constitution, it clearly emerges already from the work of the Constituent Assembly. that the notion of “regional territory” served only as electoral constituency within which the senators were to be elected. Moreover, in 1947 the Italian form of state was still relatively centralized and the role of the newly formed Regions uncertain to confer them a constitutional body (Brillat 2016, 684). The inclusion of territorial interests in the central decision-making dynamics was only partially achieved in 1983 when the government felt the need to recover an institutional dialogue with the regional side, establishing the State-Regions Conference.

⁴ Starting from the Seventies the hurdles of the system became evident and the parliament had finally to acknowledge them in the Eighties (Fusaro 2013, 7) when the two chambers pooled their efforts on three separate occasions, creating a bicameral commission for constitutional reforms, commonly referred to as ‘Bicameral’⁴. Unfortunately, none of the three led to concrete results and consequently the bicameral logic was abandoned in favour of the ordinary method of constitutional revision (Art. 138 Ita Const)⁴. However, even this second methodology turned out to be unsuccessful. In fact, nor during the 14th legislature (2001-2006)⁴, nor in 2007,⁴ not even in 2012 or lately in 2014 the reform succeeded in passing the scrutiny of the popular referenda⁴.

⁵ on “Financial measures for the implementation of the Regions with ordinary statute” the process of administrative decentralization provided for by Art. 5 and Art. 118 of the Constitution.

The idea of a territorial second chamber was defated at the time of the Constituent Assembly, in fact despite Article 57⁶ states that the Senate *shall be elected on a regional basis*, the regions have only the role of electoral constituencies. Only in 1983, the inclusion of territorial interests in the central decision-making dynamics was partially obtained with the State-Regions Conference⁷.

Many attempts have been made with the aim of reforming the Senate. Between the 1980s and the 1990s the two Chambers pooled their efforts on three separate occasion with *ad hoc* bicameral commissions⁸ for constitutional reforms but none of them lead to significant result. Thus, the bicameral logic was abandoned and the Parliament decided to resort to the ordinary method of constitutional revision established by Article 138 but othe unsuccessfull failures followed, the last aborted in December 2016⁹.

All these efforts were intended to transform the Second chamber into a “federal” one, representative of the regional character of the country, but until now none of these efforts have succeeded and this is why It became urgent to figure out alternative paths to get around the obstacles met so far. Alternative solutions will be presented later in the course of the analysis, but now attention will shift to another troublesome second chamber, the Belgian Senate.

⁶ Art. 57: “The Senate of the Republic *shall be elected on a regional basis*, with the exception of the seats of the overseas constituency [...]”.

⁷ The State-Regions Conference was subsequently institutionalized with the law n. 400/1988, which assigned to it the tasks of information, consultation and connection, in relation to the general policy guidelines likely to affect regional matters, with a session at least every six months. With the administrative reforms of the second half of the nineties of the twentieth century (No. 59/1997), the role of territorial autonomies has strengthened further because of the need to broaden the instruments of connection between the different levels of power. For this reason, the legislative decree n. 281/1997 redesigned the functions of the State-Regions Conference and also envisaged two new collegial bodies: the State-city Conference and local autonomies - a connecting body between the State and local autonomies and an organ resulting from the union of the State-Regions Conference with the State-city Conference and local autonomies (the so-called Unified Conference), for matters and tasks of common interest. Pursuant to Legislative Decree no. 281/1997, the State-Regions Conference is not only responsible for information, consultation and connection, but also of the expression of non-binding opinions on the regulatory schemes proposed by the Government in matters of regional jurisdiction and on financial bills and of the Community law.

⁸ The first Bicameral dating back to 1983, the second to 1992 and the third one to 1997.

⁹ Lately, the former Prime Minister Matteo Renzi and the then Minister for Constitutional Reforms and relations with the Parliament Maria Elena Boschi tried to review the Constitution. Their project included "the overcoming of the equal bicameralism, the reduction of the number of parliamentarians, the containment of the operative costs of the institutions, the suppression of the CNEL and the revision of the title V of the part II of the Constitution"67. In line with the previous experience also this attempt turned out to be a failure. Like other times before, it was approved by the parliament on 12 April 2016 but was then turned down in the confirmatory referendum held on 4 December 2016 with 59.12% of the votes.

1.2 The Belgian Senate: An Empty Upper Chamber?

In Belgium societal dynamics¹⁰ strongly influence the constitutional evolution and are at the root of the gradual process of devolution of powers that transformed Belgium from a unitary to a full-fledged federal state in 1993 (Popelier and Lemmens 2015, 28).

Since 1970, six major constitutional reforms took place. They are all characterized by the policy of compromise between the major linguistic groups of the country and by the centrifugal tendency towards a progressive strengthening of the federated entities (Popelier and Lemmens 2015, 16). The devolution of powers was gradual but steady and was further complicated by the transfer of powers to international bodies, primarily to the European Union¹¹.

The form of government as well went through a reform process shifting from equal bicameralism¹² to the current differentiated form. The Belgian Senate has always been criticized, experiencing profound changes over time.

First with a reform in 1983 and subsequently in 1921¹³, the upper chamber started a process of democratization that ended up with the introduction of the universal suffrage. However, the major change occurred with the 4th state reform in 1993 with the transition from a perfect bicameralism to an asymmetric one (Dandoy 2015, 328). The Senate became a meeting place between the federal state and the federated entities¹⁴. Then, the 6th reform of the state (25 May 2014) significantly changed the Senate both in terms of composition and powers.

Mode of designation of the senators before and after the 6th state reform

Type of Senator	1995-2014	From 2014 onwards
Directly elected	40	0
Designated by community parliaments	21	40 ¹⁵
Designated by regional parliaments	0	10
Co-opted	10	10
Total number	71 ¹⁶	60

¹⁰ The linguistic and cultural cleavage between French and Dutch speaking being the most relevant.

¹¹ This can be explained with the so called "holding-together federalism" (Stepan 1999, 22) according to which devolution is a ploy to avoid the break-up of a state.

¹² established in the aftermath of the independence (1831).

¹³ With the constitutional reform of 1921, the right to vote was further extended. However, most women obtained the right to participate to election only in 1948 (Popelier and Lemmens 2015, 15).

¹⁴ The new chamber consisted of three types of senators: those directly elected, those appointed by the parliaments of the Communities between their members, and the co-opted. Furthermore, there was also a hereditary component since the children of the king were members by right. Concerning the functions, the Senate was excluded from the fiduciary relationship and the legislative power was also significantly affected.

¹⁵ The Flemish parliament is the same for the Region and for the Community.

¹⁶ It does not include the king's children.

The general assessment of the reform is that if on the one hand the representativeness of the sub-national entities has been improved, on the other the Senate has been further weakened: it became a non-permanent body with very few competencies¹⁷. The aim was to avoid the possibility to jeopardize the precarious balance between the language groups represented in the lower house and in the federal government.

The choice to describe the Italian and the Belgian experience was not accidental. The Italian Senate has been questioned since the constituent phase, and over the years it has repeatedly undergone attempts to change its function and role but without any success. In Belgium, instead, reforms have always suffered from the temporarily-bridging-the-gap technique, which had *de facto* prevented the achievement of any satisfactory result in the long run.

What is more, both countries are subjected to the process of European integration, one of the main drivers of domestic institutional adaptation. Under this light, Senates are struggling to find a new reason of being also to keep up with European incentives. For this reason, the following paragraph will focus on the impact the Europeanization is producing on the bicameral arrangements of the countries here examined.

2. BICAMERALISM AND THE EUROPEAN INTEGRATION PROCESS

Börzel pointed out that the two main phenomena started from the post-war period have been the Europeanization and the regionalization of the nation-state (2001, 137). Since the eighties, it became common to talk about the 'Regionalization of European Integration', highlighting the weight that the sub-state actors were acquiring at European level (Popelier and Lemmens 2015, 17). Since European Union acknowledges the importance of subnational entities for an effective implementation of its policies, it follows that European integration is pushing toward enhancing their role at EU level. This happens in several ways, but in the case of a federal state, the Senate could become the official channel where to reconnect the multiple layers of the compound governance.

Next paragraphs will explain how upper chambers in Italy and Belgium have progressively adapted to the European incentives by going through a process of "Europeanization".

¹⁷ Depending on the subject, it may have full powers or only the right to discuss a legislative act and propose amendments. The shocking thing is that the competences of the 'federal chamber' mainly concern the federal level and do not include subjects closely linked to subnational entities or concurrent subjects (Popelier and Lemmens 2015, 118). The subjects are divided into three distinct legislative procedures: the first consists of an integral bicameralism, since the consent of both chambers is required; the second, the restricted bicameralism, occurs when the bicameral procedure is optional; the last one concerns the unicameral procedure.

2.1 The Europeanization of the Italian Senate

The start date of Europeanization of the Italian upper house can be placed in 1968 when the *Giunta per gli affari delle Comunità europee* was created¹⁸. Nevertheless, in the beginning it did not enjoy the same prerogatives and the same status as other permanent Committees¹⁹. The Italian *Giunta* on EU affairs turned to be a permanent body only in 2003, as part of an intervention of profound revision of the RoP concerning the relationship between the Senate and the European Union. It maintained its ‘overall responsibility on domestic legislation emanating from activities and measures of the European Union and its institutions, and the implementation of Community agreements’ (Article 23 (1) RoP). The revised Rules also kept the double mandate, in contrast with the exclusive membership normally established for the other standing Committees (Article 25 (5) RoP). This decision was a consequence of the inter-sectorial nature of European matters which required a cooperation between the relevant standing Committee and the one entitled to European affairs. Moreover, the double membership would have ensured greater awareness among the other Committees regarding EU policies.

The Europeanisation of the Italian Senate continued during the 15th legislature (2006-2008) with the introduction of two sub-commissions dedicated respectively to the decision-making phase (ascending phase) and to the implementation (descending phase) of European legislation. The two sub-commissions mainly have an advisory role but while the first assists the 14th Committee in verifying compliance with the principles of subsidiarity and proportionality as well as the legal basis of the proposals, the second focuses on national acts implementing European measures by controlling their proper enforcement (Romaniello 2017, 295).

Before 2006 the role of the Senate (and of the Italian parliament in general) on European affairs was quite limited. Its tasks were mainly confined to identifying national priorities and submitting recommendations to the Italian government without any significant impact on the European policy making (Matarazzo and Leone 2011, 135). Only with the adoption of the law No.11 of 2005 (the so-called ‘Buttiglione Law’) on European affairs a change in attitude emerged and a general legislative framework regulating the Italian participation in the European legislative process was set out. Moreover, pursuant to law No.11, the Italian parliament approves every year a law on EU af-

¹⁸ The Senate of the Republic was among the first European chambers to provide an ad hoc body expressly dedicated to European affairs.

¹⁹ In 1971, with the reform of the Rules of Procedures (RoP), the Senate reinforced the powers of the *Giunta* in scrutinizing European issues, but it was only in 1988, with Law No 183 of 1987 (better known as “Fabbri Law”), that the chamber and the standing Committees obtained the possibility of adopting resolutions concerning EU draft legislative acts. The *Giunta* was then made up of twenty-four members reflecting proportionally the political forces of the Senate but who were members of other permanent Committees at the same time.

fairs, namely the *Legge Comunitaria*, whose aim is to integrate European legislative provisions into the national legislation. The reasons of the shift in the Senate behavior should be explained not only in the light of internal adjustments but also in consideration of changes at the European level. The necessity felt by the European Commission to promote a regular and constructive dialogue with NPs led to the introduction of the so-called 'Barroso procedure', later known as political dialogue. The opening of the Commission to NPs further increased the engagement of the Italian parliament in European issues, especially of the Senate whose process of Europeanisation sharply increased with the entry into force of the Lisbon Treaty in 2009.

Article 12 of the Treaty recognizes the fundamental contribution of NPs in ensuring the smooth functioning of the Union and encourages their participation through two specific instruments, the EWM (Protocol No.2, Article 6) and the political dialogue. However, this important change was not followed by a prompt adaptation of the parliamentary RoP and 'experimental' procedures were established in both chambers of the parliament. As a result, subsidiarity scrutiny had to follow the regular scrutiny procedure as provided for in Article 144 of Senate's RoP. As a matter of fact, after the enactment of the Lisbon Treaty, the then President of the Senate Renato Maria Giuseppe Schifani addressed a letter to all standing Committees' chairmen, specifying the procedure to be implemented. Schifani maintained that the subsidiarity check should follow the normal scrutiny procedure, as established in Article 144 of the Senate's RoP. Furthermore, the President clarified that any act of political orientation adopted by the relevant standing Committees and the opinion emitted by the 14th Committee should contain an evaluation on both the merits of the proposals and the compliance with the principle of subsidiarity. The Committee on European Union Policies could substitute the Committee competent by subject matter if the latter proved to be inactive. In this case, the 14th Committee may ask for "its opinion, comments and proposals [to] be forwarded to the Government" (Article 145(5) RoP) and to the European institutions through the President of the Senate. The procedure envisaged by the Senate is therefore decentralized since all the Committees competent by subject matter can formulate their own considerations both on the merit of the proposal and on the compliance with the principle of subsidiarity, however the possibility for the 14th standing Committee to intervene in case of inertia of the relevant body is also provided.

It has taken almost three years for the parliament to incorporate the Lisbon Treaty provisions in the legal system. The law No.234/2012, entered into force on 4 January 2012, replaced the law 11/2005 and established the "General rules on the participation of Italy in the formation and implementation of the legislation and policies of the European Union". The most salient aspect regarding the new constitutional balances was the greater involvement of the Italian parliament in shaping European standards and in transposing them in the national legislation in line with the

Lisbon Treaty measures concerning NP's control of compliance with the principles of subsidiarity and proportionality (Rossi, 2013). Law 234/2012 set precise constraints on the discretion of the government by binding its action to notification requirement, reports, hearings, up to the respect of the parliamentary scrutiny reserve. These obligations bind the ministers and the head of government in shaping political guidelines and in adopting legislative acts in the European Council.

As repeatedly stated, the greater control allocated to the parliament undoubtedly contributed to reduce the *democratic deficit* of the Union, especially in those matters where national executives can still decide without an involvement of the European Parliament.

Some scholars believe that the democratic deficit does not depend on a deficiency within the EU institutional framework, but is the result of a *democratic disconnect* between domestic institutions and the European institutional dimension (Lindseth 2010).

Taking advantage of the new discipline provided by the Law No. 234/2012 as well as by the Treaty of Lisbon, the Senate has proved to be particularly reactive especially regarding the political dialogue. Indeed, the Italian upper house has used this mechanism to establish a direct relationship with the European institutions by sending opinions not only when there a breach of the subsidiarity principle is found, but also when opinions contain positive assessments or reflections on European proposals. This attitude is a direct consequence of the fact that the Senate considers the political dialogue as an opportunity to set up a relationship with the Commission independently from the government (Esposito 2013, 47).

Both the political dialogue and the EWM gave upper houses a reinforced role (at least formally) because of the equal distribution of votes between the two houses in bicameral systems regardless of the internal institutional setting. This consideration made some scholars think to the "rise of the Senates" (Kiiver 2012) at the European level as a possible scenario. As for the Italian Senate this hypothesis does not seem to be too far from reality, however, since the reaction of each second chamber largely depends on domestic provisions, it is not a one-size-fits-all conclusion. The assessment made regarding the strengthening of the position of the Italian senate is supported not only by its activism but also by the numerous attempts at reform to find a new *raison d'être* for the Senate. This necessity was further enhanced by the process of European integration which, by adding an additional level of separation of powers, made the role of counterweighting the popular sovereignty an obsolete justification. The separation of powers is already efficiently guaranteed by the European legal order (Faraguna 2016, 19) and the need to review the cumbersome Italian bicameralism has therefore become more urgent. The Italian institutional inadequacy is a well-known fact and Shell well synthesized the idea by labelling the perfect bicameralism as 'historical hangover' (2001, 5).

The promoters of the last bill of constitutional reform were more than aware of the need to ‘Europeanize’ the parliamentary structure. As a matter of fact, the last constitutional bill was accompanied by a report explaining the reasons of the reform. At the top of the list there was the “shifting of the decisional centre of gravity connected to the sudden acceleration of the European integration process [...]”. Under the pressure of the latter and of the need to find a new rationale, the Senate is trying to become the linking institution between the multiple level of governance. This statement is corroborated not only by the content of the last reform bill proposal, but also by the practice developed by the 14th standing Committee of the Senate. The latter has in fact attempted to connect the various governmental layers through a greater regional involvement not only with its praxis but also with the promotion of a network between the regional and local authorities and the parliament (Fasone 2010). Although useful, practice alone is not enough to guarantee the overcoming of the lack of an institution able to reduce the complexity of a compound system of government. This goal, although ambitious, could be obtained through an elevation of the Senate to fundamental interlocutor in multilevel governance (Castelli 2010, 156).

All the efforts made so far to make the second chamber more federal-like, have not succeeded. Nevertheless, its tension towards an evolution is far from being weakened as the organic reform of the Senate RoP, approved on 20 December 2017, demonstrates. As seen above, until now parliamentary regulations did not welcome the provisions of the Lisbon Treaty with an adequate organic reform, but rather only experimental procedures were set up. The new reform has at last introduced important innovations, especially concerning the discipline of the participation of the Senate in European affairs. One of the major changes is the abolition of the mixed nature of the composition of the 14th Committee which has finally been aligned with all other standing Committees²⁰. Article 144 has been extended with paragraph 1-bis stating that “the draft legislative acts of the European Union are referred to the Committee competent by subject matter. The 14th Committee is responsible for verifying compliance with the principles of subsidiarity and proportionality in accordance with the European Treaties [...]”. Another significant extension of Article 144 is its paragraph 6-ter concerning the involvement of local authorities. In short, this paragraph institutionalises the above-mentioned praxis designed to grant a greater involvement of subnational bodies on European policies.

These changes represent the latest developments in the process of Europeanization of the Italian Senate. It is questioned whether the reform of the 14th Committee has meant an evolution or a step backwards in the process of transformation of the organs of the Senate in a pro-European sense.

²⁰ With the deletion of paragraph 4-bis of article 21 that provided for the double mandate for senators belonging to the 14th commission.

Nevertheless, it is reasonable to think that its pro-European commitment will not be curtailed but rather it will probably be reinvigorated in the sense of an ever-greater intermediary role between the European, the national and the sub-national level²¹.

2.2 The difficult adaptation in Belgium

Belgium has not shown the same degree of involvement of Italy in carry out relations with EU institutions. There are those arguing that the lack of interaction with EU institutions is a consequence of the fact that political parties prefer staying vague on EU affairs since the overall Belgian public opinion strongly back up European integration. Obviously, although this may be one of the justifications for the lack of activism, it is not a justification given that interaction does not necessarily imply a critical and non-cooperative attitude.

The real reason is represented by the complex Belgian federalism whose federated entities are key actors in shaping foreign and European policy. The need to recompose the position of each of the nine national parliaments in a single national standpoint before the European institutions is the main limiting factor.

In Belgium the establishment of a Committee specifically devoted to community affairs took place even earlier than Italy, in 1962 (De winter and Laurent 1995, 83). Nevertheless, it immediately showed a low degree of activity due to the lack of interest for foreign affairs to the point where the committee was abolished in 1979. Then, a transition period took place (until 1985) during which members of the European parliament (MEPs) could take part in the meetings of the External Relations Committee as experts with consultative voice. However, this experience turned to be inconclusive due to the impossibility for MEPs to participate to the work of other standing Committees (Norton 1996, 79). Later, a liaison office intended to facilitate cooperation between national and European MPs was created and finally EPs achieved the right to access all parliamentary buildings on an equal footing with their national colleagues. In 1985 the *Comité d'avis fédéral chargé des questions européennes* was introduced in the House of Representatives which was followed, five years later, by the establishment of a similar body in the Senate (Norton 1996, 80). With the 4th state institutional reform of 1993, the Senate Advice Committee in charge of EU matters was then transformed into a liaison agency linking together the sub-national and the EU level. Following the 4th reform, an accurate reflection concerning the management of European Affairs in the Sen-

²¹ The agreement formalized during the last legislature between the Conference of the regional legislative assemblies and the Senate's 14th Committee, concerning a collaboration in the examination of the European Commission annual program along with other European acts, clearly back up the idea of a committed Senate.

ate resulted in the creation of a Federal Advisory Committee on European Affairs in 1995 in cooperation with the House of Representatives (Romaniello 2015, 28)²².

In the case of the Italian Senate the theory according to which the Lisbon Treaty pushed upper houses towards an enhanced role makes sense. However, as stated before, this statement strongly depends on the context as the opposite trend of the Belgian case confirms. Here, the recognition of a more significant role to the Senate was trampled by the regionalization process that saw the federated entities at the forefront in managing relations with the European institutions.

The functioning of the mechanisms established by the Treaty of Lisbon proved to be incompatible with the needs of the complex Belgian constitutional set-up. For this reason, Belgium added a Declaration²³ to the Treaty to make the system more feasible to its federal system (Popelier and Lemmens 2015, 104).

In 2005 all the Belgian assemblies drafted an inter-parliamentary cooperation agreement “in order to ensure a regional voice in the process of subsidiarity monitoring” (Popelier and Vandenbruwaene 2011, 221) which was then integrated in 2008. The agreement laid down the procedures for the implementation of the EWM and even if it has not yet entered into force due to persisting legal and political difficulties, it is *de facto* implemented²⁴.

Belgian federated entities are jealous of their prerogatives, consequently in Belgium the thesis of the “rise of the senates” (Kiiver 2012) utterly fails. This inverse trend is raising concerns on the possibility to end up with the abolition of the senate in favour of a mono-chamber logic.

2.3 A comparative view: why did the two Senates react differently?

Belgium and Italy have always cherished a pro-European attitude. Moreover, they are both characterized by a high degree of decentralization and consequently by the need to give voice to

²² Among the main tasks the dual federal standing Committee is required to perform there are: the supervision of the European decision-making process both regarding the compliance with the principle of subsidiarity and with the consistent national implementation of European provisions; the hearing of the government before and after each European Council, concerning its agenda and conclusions and the provision of information, on a regular basis, to all the standing committees on European policies. Therefore, these tasks are pursued in a cooperative manner between the members of the European parliament and those of the two national chambers. Consequently, the senate does not hold any exclusivity on EU institutional relations. On the contrary, it resulted weakened compared to the House of Representatives since it has preserved its own *Comité D'avis pour les Questions Européennes*.

²³ The Declaration No.51 states that: “Belgium wishes to make clear that, in accordance with its constitutional law, not only the Chamber of Representatives and Senate of the Federal Parliament but also the parliamentary assemblies of the Communities and the Regions act, in terms of the competencies exercised by the Union, as components of the national parliamentary system or chambers of the national Parliament”.

²⁴ In order to be consistent with the Senate’s role outlined by the 6th state constitutional reform, the Senate should not be involved in the procedure at all, however EU Protocol No. 2 clearly provides that in case of bicameral system, each chamber has one of the two votes allocated to the national parliament (Article 7).

territorial interests. Why then the two upper chambers have embarked on such a different evolutionary path?

Belgium is a federal state relying on a bicameral logic. However, it cannot be the model for the bicameralism typical of federal states. As a matter of fact, its Senate is an extremely weak chamber, far from properly stand for the interests of the subnational entities it should represent. The 6th State reform turned the Belgian upper chamber in an almost empty institution. It has been claimed the reform was intended to transform the Senate in a real territorial chamber (Dandoy 2015, 379) but all the provisions²⁵ clearly make it an inappropriate place to guarantee the link between subnational, federal and European institutions.

In Belgium, political parties reflect the linguistic divide more than the ideological one, and specific mechanisms are already provided in the lower chamber to safeguard the different interests at stake²⁶. It goes without saying that a reinforced Senate is perceived as redundant and most of all as a possible threat.

The compromise achieved with the 6th State Reform turned to be an unsatisfactory result, and especially in the light of the unfolding European integration process a need to modify the Senate is felt by many. As we have seen, the position on the future of the upper chamber are at odds: there are those claiming for its abolition and those supporting its strengthening. It is not clear the turn that events will take, but undoubtedly the senate could set itself as the most appropriate forum not only to reconnect together the multiple domestic governmental layers but also to link them with the European dimension.

The European integration has represented one of the most important drivers in the member state domestic institutional transformation. However, internal adaptation has been far from being homogeneous and the divergences in the followed patterns reflect the deep heterogeneity of the institutional landscape of each country (Romaniello 2015, 34). Therefore, to better understand the reasons behind the different reaction of the addressed countries, the process of European integration should be read in conjunction with other factors.

As for the Italian Senate, deeply tied to the past and influenced by tradition, it is struggling to find a new justification able to go beyond the logic of equal bicameralism, but these efforts are hindered by brakes within the legislative branch. In Belgium, on the other hand, the Senate, since the 4th State reform, has suffered a progressive dwindling that has resulted in its transformation into a non-permanent body unable to exert decisive influence on the policy-making. Historical, cultural

²⁵ E.g. the limitation of powers and the abolition of its permanent nature.

²⁶ E.g. veto rights, enhanced majorities.

and political peculiarities are essential in shaping each constitutional arrangement by thus resulting in diverging practices and institutional solutions.

This is the very reason why in Belgium and in Italy the European integration process resulted in two opposite outcomes with respect to the degree of activism in the dialogue with the European bodies²⁷. When assessing the degree of interactions with European institutions what emerges is that the Italian Senate ranks among the most active chamber, while its Belgian counterpart is among the less performant institution.

As Rossi (2016,13) maintains, “the ability of a country to interact effectively and profitably with the EU requires specific coordination, capable of orchestrating all available forces and experiences acquired in a synergistic way”. Beyond the coordination, however, there are also other variables that must be taken into consideration. In the Belgian case, in fact, the logic of compromise and the cultural cleavage shape the entire institutional landscape (Popelier and Lemmens 2015, 112).

For this reason, the validity of the thesis supported by Kiiver (2012) strictly depends on the context to which it applies. If the evaluation of the European integration process would have limited to the discourse analysis of the instruments provided for in the Treaty of Lisbon, the idea of the ‘rise of the senates’ would definitely be true. The Treaty has in fact placed bicameral systems’ chambers on the same level, equipping them with one vote each in the fulfilment of the EWM without considering nor the formal distribution of powers nor the effective weight each chamber has in the decision-making (Romaniello 2015, 5). Nevertheless, national arrangements concerning the distribution of powers between the two houses have the final say.

In the case of the Italian symmetric bicameralism, the Senate turned to be far more active with respect to the lower Chamber, in term of participation in the dialogue with European institutions. but In Belgium instead, the annexation of Declaration 51 to the Treaty made sure that the internal distribution of competences prevailed (Popelier and Lemmens 2015, 104). The non-hierarchical order between all the parliamentary assemblies of the country was then reflected in the EWM by thus reaffirming their equality. Consequently, the Belgian senate has not been reinforced at all but, on the contrary, a ‘rise of the regional parliaments’ took place in line with the ongoing devolutionary process. The parliaments of the federated entities prefer to interact directly with the European institutions and consider the Senate as a possible threat to their interests.

To sum up, Europeanization is provoking different reactions in the upper houses in Italy and Belgium. The European Union acknowledges the importance of subnational entities for an effective

²⁷ In the case of Belgium, the idea of a 'Regionalization of European Integration', highlighting the weight that the sub-state actors are acquiring at European level (Popelier and Lemmens 2015, 17), prevails when talking about *Europeanization*.

implementation of its policies, but this awareness is facing different trends: in Italy the Senate is concretely trying to play the role of bridge-builder among the multiple governmental layers; in Belgium, despite this same intention was announced by the 6th reform, the federated entities have bypassed the Senate by establishing a direct dialogue with the EU institutions.

The final paragraph analyses the Europeanization of the intra-bicameral interaction since each chamber has the right to independently address the European Commission by thus even ignoring national rules on the division of powers. Finally, the concluding part is aimed at evaluating the effective need to reinforce the Senate in the light of the demand for improved interaction with the European institutions.

3. THE EUROPEANIZATION OF THE INTRA-BICAMERAL PROCEDURE

As previously seen during the analysis, both the political dialogue and the EWM strengthened the position of national parliaments vis à vis their executives before the European institutions. However, the unclear definition of the subsidiarity control mechanism mostly resulted in a lack of coordination between national parliaments and, in case of bicameral systems, between the lower and the upper chambers.

The vague wording of the Lisbon Treaty proved to be insensitive to the specificity of each constitutional arrangement especially to the various bicameral solutions. In fact, in the case of bicameral systems, the two votes of the EWM, are divided between the two chambers without considering the formal distribution of powers nor the effective weight each house has in the decision-making (Romaniello 2015, 5). It is therefore evident that the upper chambers have been strengthened at the European level, contrary to the weaker role they usually play at domestic level in the decision-making process.

Since each chamber has one vote, it has the right to independently address reasoned opinions to the European Commission, consequently going beyond the bicameral logic. To avoid this problem the optimal situation would require a full cooperation between the two chambers, but in practice there are many breaks preventing this outcome. In the third chapter we saw that these obstacles can be practical, legal, political or ideological. Just to recall some of them, they can derive from a concrete lack of time or resources, from the incompatibility of the interests represented in the two chambers, from the incongruent composition of them or from the relationship chambers have with the executive (i.e. existence of the confidence vote).

Ultimately, when drawing conclusions on the degree of intra-bicameral interaction, individual context should be considered but it can be safely stated that there are more barriers than drivers for intra-parliamentary cooperation (Wolfs and Cigala 2016, 25). Therefore, it is crucial for national legislatures and their executives to strike the right balance concerning European affairs.

Made these premises, this paragraph will investigate the Europeanization of the intra-bicameral procedure in the here-examined countries, to understand how national parliaments concretely deal with a ‘bicameralism-blind’ tool. Then, the concluding part will explore the effective need to enhance the Senates’ position in the light of the demand for improved interaction with the European institutions.

3.1 The Italian symmetric bicameral system and the Senate proactive participation in the EU affairs

The Italian implementation of the EWM, along with other parliamentary practices, clashes with the symmetric bicameralism. Indeed, the two chambers perform differently regarding the interaction with European institutions with the Senate playing a much more significant role. Functional symmetry has in fact been mitigated by the existence of profound organizational and procedural differences (Romaniello 2017, 305) which however have been recently homogenized thanks to the organic reform of the Senate RoP approved on 20 December 2017 and in force starting from the current legislature. However, in addition to the diverging practices, we saw that the rationale of the different degree of activism depends also on the attempt of the upper chamber to set itself as bridging institution between the multiple level of governance and on its exclusion from the confidential relationship.

The aborted constitutional reform of December 2016 would have granted the Senate exclusive powers in linking together the state, its constituent entities and the European Union. Unfortunately, the negative outcome of the referendum has reconfirmed the points of criticism of the Italian perfect bicameralism. Consequently, starting a reflection on the feasible alternatives to rationalize the participation of the Italian Parliament in European decision-making and to guarantee greater coordination between the two chambers and between the latter and the government, has become more urgent (Romaniello 2017, 306).

The quantitative data of the Senate’s hyper-activity were strongly influenced by the experimental procedure put in place. Indeed, as shown in the previous chapter, the procedure envisaged has been up to now decentralized with all the Committees competent by subject matter able to formulate their own considerations both on the merit of the proposal and on the compliance with the

principle of subsidiarity. However, the 14th standing Committee on European Affairs had the right to step in if the relevant body remained silent.

The Chamber of Deputies, for its part, has always advocated a cautious attitude, favouring quality rather than the quantity of its intervention. Furthermore, in the examination of compliance with the subsidiarity principle, the 14th Committee focuses only on truly problematic acts (Capuano 2011).

The different approaches of the two chambers have concretized the risk of denying the position of their government in the European Union. In fact, the unicameral logic introduced by the Lisbon Treaty, recognizing the functional autonomy of the two chambers, sharpens the risk of fragmentation of the political orientation in terms of European policies. As a matter of fact, it increases the likelihood of conflicting positions between the Chamber of Deputies, the Senate and the Government. For this reason, it is necessary to identify connecting procedures not only between the parliament and the government but also between the two legislative branches. Under this light, progress has been made with Law 234/2012 which provide to the final documents issued by the two chambers a political clout, by thus *de facto* binding the Government (Article 7) to respect conditions and observations addressing specific guidelines to the national executive.

The Lisbon Treaty specifies (Article 8 of Protocol 1) that all the provisions of Protocol 1 concerning national parliaments “shall apply to the component chambers”, that is to say that all the procedures should be “doubled” (Wolf and Cigala 2016, 8) in the case of a bicameral arrangement. Likewise, Article 7 of Protocol 2 states that in bicameral systems each chamber has one vote for the EWM, acknowledging the functional autonomy of each chamber in bicameral parliaments which however can be ignored if the two houses decide to cooperate. Moreover, Article 6 asserts that “any national parliament or any chamber of national parliament *may* [...] send a reasoned opinion [...]”, by thus leaving the possibility to the national parliament to act as a unified actor, with the two chambers acting jointly, in the exercise of the EWM. It goes without saying that in this way the probability of the bicameral parliaments to influence European policy increases.

Despite these considerations and contrary to the perfect symmetry of the Italian parliament, the two houses have never adopted a reasoned opinion on the same issue and, even in this case, despite the reasoned opinions concerned the same topic, the justifications put forward were slightly different. In brief, while the Chamber of Deputies’ criticism was mainly related to the legal basis of the proposal, the Senate also found a breach of the subsidiarity and of the proportionality principle.

Empirical evidence proves that the two branches of parliament act mainly as individual players when dealing with European matters (Romaniello 2017, 300). This tendency is due, not only to the structural and procedural organization, but also to the different attitude each house has with re-

spect to its own participation in European affairs. While the lower chamber is much more concerned about any eventual negative effect on the government (Esposito 2013, 9), the Senate has a positive consideration of the possibility to participate directly in the European decision-making bypassing the national government (Capuano 2011, 5). Those divergencies resulted in two equally-powerful chambers whose performance significantly differs in terms of practical implementation (Romaniello 2015, 14) with the Senate ranking among the most active chambers at the EU level and the Chamber of Deputies keeping a low profile.

The latter examine only those acts requiring an in-depth assessment and the EU Policies Committee, despite its central role in this field, does not deem the EWM as a priority and attaches more importance to the content of European legislative proposals through by recurring to the general scrutiny and the political dialogue (Esposito 2017, 111). The overall purpose of the procedure followed by the lower chamber is to avoid any misuse or abuse of the EWM not to undermine the government's position and its negotiation capacity. This attitude is also reflected in the opposition the first chamber shows towards any attempt of establishing within the COSAC a coordination among national parliaments to ease the achievement of the threshold required to trigger the yellow or the orange card procedures (Esposito 2017, 112). Always for this reason, the Chamber of Deputies does not want its opinion to bind the government.

Even though these concerns are justifiable, the powers of direct intervention of the national parliaments in the EU decision-making should be considered as additional and ancillary channel to enhance the democratic legitimacy of the EU. Hence, the Chamber of Deputies should be more proactive and improve the coordination with other national chambers but most of all with its upper domestic sibling.

According to some Senate's officials the level of activism shown up to now by the Senate does not necessarily mean that it has been one of the most influential chambers at European level. Nevertheless, the high number of reasoned opinions issued go beyond the subsidiarity check to include general considerations on the Commission proposals, by thus demonstrating a truly pro-integration attitude. The latter is made evident also by the Senate's participation in other domains of interparliamentary cooperation among national parliaments and with the European parliament such as the support of COSAC as main coordinator, at European level, of national parliaments' views (Capuano 2017, 136). However, despite the commitment, there are some crucial points to highlight. Indeed, an *ex ante* political coordination is needed between the two branches of parliament and the government and the real impact of Senate's action in shaping European policies remains unclear. The activism of the two chambers cannot be concretely measured as no real feedback on the follow up to the national parliaments' contribution is given. As regards this last point, it should be

noted that producing legislation at EU level is a complex process requiring the agreement of several actors. Hence, if on the one hand it is impossible for a national parliament to fully influence them, it can still try to coordinate the Italian stakeholders on EU affairs to strengthen the national position. However, in order to realize this objective, awareness about the importance of the parliaments' role in EU affairs must be spread among members of parliament and all the other stakeholders.

To sum up, it is impossible to determine the real "cause" behind a specific legal "effect", but in any case, documents reflecting the Italian position must be on the European table (Capuano 2017, 137). The final impact will then depend, besides their content, on the ability of Italian actors to influence other players in the European decision-making arena.

3.2 Devolution of power and the inactivism of the Belgian Senate

While in Italy the Senate is more active than the lower house, in Belgium the two chambers are equally inactive and there is no interaction at all between them. Here, the scenario is even more complicated due to the lack of coordination between subnational parliaments and between the latter and the federal ones. The Senate and the Chamber of Deputies follow different procedures to verify the compliance with the subsidiarity principle and the Senate's 'part-time nature' hinder the effective performance of the task.

As we have seen in the previous chapter, a Federal Advisory Committee on European Affairs, made up of senators, deputies and Belgian MEPs, was created in 1995 but it proved to be highly unsatisfactory. Indeed, it is mainly Council-oriented and is not involved in the scrutiny of European documents at all. The absence of coordination is clearly demonstrated by the fact that most of the reasoned opinions result from the initiative of individual politicians rather than from a systematic screening of EU documents (Wolfs & Cigala 2016, 21).

The peculiar absence of any hierarchy between the several levels of government in the Belgian federal system, has important consequences in terms of participation in the EU decision-making process. Here, it is not necessarily the federal government to have the last word, but members of regional or community executives directly participate to the European Council of Ministers according to the internal division of competencies and the decision approved binds the country as a whole.

As previously noted, the Declaration No. 51 was added to the Lisbon Treaty in the attempt to adapt the superficial process set by the EWM to the peculiar Belgian institutional setting. "[...] The parliamentary assemblies of the Communities and the Regions act [...] as components of the national parliamentary system or chambers of the national parliament" by thus preserving the legal

parity between the federal state and its sub-national authorities (Romaniello 2015, 18). The cumbersome mechanism of repartition of the two votes analysed in the previous chapter, despite lacking a specific legal basis, it is concretely implemented and allows subnational entities to take part in the subsidiarity check.

The weight that the federated entities have, both in internal and foreign policy, prevented the senate to stand up as a guardian of the federal interest. Once again, the internal fragmentation has been reaffirmed at the institutional level through the Declaration No. 51 by thus deepening the devolutionary process at the expenses of the federal upper chamber and by institutionalizing the participation of all the nine national assemblies in the interaction with the European Commission. In line with all the constitutional reforms Belgium has gone through since 1970, the Declaration 51 strengthens the argument of a ‘slow evaporation of Belgium’ (Popelier and Lemmens 2015, 17) according to which the country is progressively disappearing as an ultimate consequence of the long process of devolution of competences from the federal level to both international institutions (mainly to the EU) and to the federated entities. The Declaration successfully put all the legislative assemblies on the same footing, but in the end the complex procedure established jeopardizes the activation of the mechanism. A possible solution to this problem might be to provide the Senate with a coordinating and mediating role between the national and the European institutions to increase the interaction between them and to avoid the transformation of the Belgian upper house in a meaningless body. Nevertheless, to realize this possibility, internal resistances of subnational entities which perceive a federal coordinating body as a threat for their autonomy, should be overcome.

Until now the Belgian Senate has sent only three opinions, which allowed him to conquer the podium of the countries with the lowest participation rate. All the reasoned opinions were forwarded before the enactment of the 6th Constitutional reform which furtherly weakened the Senate. A better overall inter-institutional dialogue could be achieved through the recognition by the federated entities of the Senate as main interinstitutional coordinator even though this would not guarantee the Belgian upper chamber any independent role (Romaniello 2015, 33).

In conclusion, the low level of activism of the Belgian Senate is primarily to be found in its institutional weakness and in its subordinate role provoked by its non-permanent nature and its limited functions. This febleness is consistently reflected at European level where, despite the practical difficulties, the Communities and the Regions prefer to take part in the mechanism on their own. In Belgium the process of regionalization enhanced the position of subnational entities by provoking a simultaneous weakening of the Senate (Popelier and Lemmens 2015, 71). This is why the thesis of the “rise of the Senates” (Kiiver 2012) is strictly tied to the context it refers to.

Indeed, if we limit the evaluation of the European integration process to the discourse analysis of the instruments provided for in the Treaty of Lisbon, Kiiver's theory would have undoubtedly been true since the Treaty places the two branches of the legislature on the same level, providing them with one vote each in the fulfilment of the EWM without considering nor the formal distribution of powers nor the effective weight each chamber has in the decision-making (Romaniello 2015, 5). Nevertheless, national provisions concerning the allocation of powers between the two houses have the final say.

Given the influence domestic factors have, the next paragraph will evaluate alternative institutional paths the two countries may undertake to get around the obstacles encountered up to now from a national-specific perspective.

3.3 Tackling the Problem: Different Institutional Path Require Different Solutions

The Italian Senate: an activism to be integrated

The vitality of the Italian Senate concerning the number of reasoned opinions addressed to the European Commission, disguises an unsatisfactory coordination with the sub-national entities of the Republic. The purpose of this paragraph is to analyse the reasons why a reinforced Senate would guarantee the liaison of the different intergovernmental layers, by thus taking up the key role of connecting institutions between the supranational dimension of the European Union, the national dimension of the state and the sub-national one of the Regions.

Until recently, the existing constitutional and legislative provisions calling for an effective cooperation between the parliament and the regional councils have been largely ignored (Fasone 2017, 139). The most important step taken in the direction of a greater cooperation between the parliament and the Regions is represented by the law of constitutional review 3/2001. This provision establishes that the composition of the parliamentary committee for regional affairs should be integrated by representatives of the Regions and of local self-government to be chosen at the 'parliamentary level', or from the regional councils or appointed by them (Article 11). However, this procedure remained dead letter and in the aftermath of the reform above mentioned, the Senate refrained from bridging the gap between national and regional legislatures (Mangiameli 2010, 2). To date, cooperation between the state and the Regions is essentially based on the intergovernmental system of Conferences that brings together representatives of the state and regional governments. Concerning the involvement of regional councils at European level, three instruments are essentially used. The first one concerns only the Senate and it is based on Article 138 of its RoP. According to this provision, the only official channel for cooperation between parliament and Regions are the so-called regional 'votes'. Following the implementation of the Lisbon treaty, the use

of regional votes has sharply increased given that the parliamentary RoPs do not regulate the participation of the regional councils in the EWM. Consequently, the regional legislatures have begun to transmit their opinions and observations, at least to the Senate, by means of this pre-existing mechanism (Fasone 2017, 141).

Other informal means, such as hearings of regional councillors before national parliamentary Committees, are widely used although without any formal recognition of the constitutional status of the regional councils especially in relation to their relationship with the parliament.

Another instrument is the *Commissione paritetica* (i.e. the Joint Committee) composed of an equal number of senators, deputies and regional councillors, plus the President of the Regional Committee on regional affairs. This committee was established outside the parliamentary framework through an interinstitutional agreement on 28 June 2007 between the heads of the houses of the Italian parliament and the Coordinator of the Conference of the Presidents of regional councils. Unfortunately, this instrument proved to be unsatisfactory due to organizational difficulties encountered in matching the needs of members belonging to different assemblies and due to the unclear legal status and effectiveness of such meetings.

Under these premises, the direct relationship between national legislatures and the European Commission provided for by the EWM, could be a launchpad for a renewed and effective cooperation between the national parliament and the regional councils. The Italian system is characterized by a "historical and cultural tradition strongly connoted by municipalism "(Castelli 2010, 158) which makes the inclusion of sub-state bodies essential in the dialogue with the European institutions.

The Lisbon Treaty laid the foundations for a renewed participation of regional parliaments. Indeed, Article 6 of its second Protocol states that "[...] it will be for each national Parliament or each chamber of a national Parliament to consult, where *appropriate*, regional parliaments with legislative powers." The procedures to be implemented are established by each of the Member States acknowledging legislative powers to their subnational entities²⁸. Article 6 does not clearly define what is meant with "regional parliaments" and the only requirement imposed is that they should be provided with legislative powers. Despite regional legislative assemblies are directly referred to, their participation is strictly tied and influenced by the national parliament or by one of its chambers which *can decide* to consult or not subnational legislatures. Therefore, the appropriateness of the consultation is justified by a domestic choice, but normally if the EU draft legisla-

²⁸ Only seven Member States (excluding the United Kingdom) do recognize legislative prerogatives to subnational authorities, namely: Austria, Belgium, Finland, Germany, Italy, Portugal and Spain.

tive act falls within the competence of Regions, they are generally allowed to send an opinion to the national parliament.

This tendency is backed by the principle of sincere and loyal cooperation (embedded in the constitutional provisions of many Member States as well as in Article 4 of the TEU) which provides for the parliaments of consulting regional legislatures on European draft legislative acts if the competence of the latter is affected. Nevertheless, the last word still relies in national parliament decision since no sanction for its inaction is provided nor at European nor at national level.

Although not mandatory, starting from the sixteenth parliamentary term (2008-2013), in Italy the cooperation between regional councils and the two houses of parliament has significantly increased, especially regarding the Senate. Moreover, the latter started treating regional observations under the EWM as if they were votes and started to spread information on European documents it is required to examine towards regional councils by means of the Conference of the regional Presidents without considering the field of competence (national or regional).

The third section of Article 8 and Article 25 of Law No. 234/2012 regulates the participation of regional councils in the EWM. Article 8 may be considered a *norma programmatica* (i.e. programmatic rule) given that, even if it recognizes the right for national parliament to consult regional legislatures while carrying out the subsidiarity check, it has been rarely used. On the contrary, Article 25 sets up a bottom-up procedure, allowing regional councils to submit their observations to the parliament respecting the time limit of eight week established by the EWM. This ‘double-flow’ procedure (Fasone 2017, 146) provides an additional advantage for subnational legislatures since their observations can go beyond their competences.

However, a negative remark should be made in relation to the vague wording of the deadline to submit any observations. As a matter of fact, the only time limit mentioned is the one established by the Lisbon treaty and Article 25 only vaguely refers to a “due time” by thus giving to the parliament a great discretion. Despite this weakness, the mechanism provided an efficient tool of regional consultation since each regional council is called to interact directly with the national parliament. The reason behind this choice is that EU draft legislative act can trigger a heated debate in a specific context while being completely ignored in another by thus making unreasonable to push Regions towards a common position within the Conference of their Presidents (Fasone 2017, 147).

Along with Articles 8 and 25, Article 24 gives the possibility to the Regions (either to their legislatures or to their executives) to submit regional observations or to the Prime Minister or to the Minister for European Affairs. The content of these observations is not defined however, in order to avoid overlapping with Article 25, they should not deal with the subsidiarity principle.

In addition to these three articles, Law No. 234/2012 sets up an unprecedented procedure concerning a domestic version of the political dialogue. The Italian parliament is the only one Europe wide to engage regional councils in this mechanism. As a matter of fact, Article 9 allows regional councils to submit to the houses of parliament observations on any EU draft legislative document on any ground. The impact of this ‘political dialogue’ is greater if compared to the EWM since it imposes to the parliament the duty to consider regional observations when submitting its opinions to the European institutions.

Regarding the coordination with regional councils, the Senate clearly took up the leading role differently from the Chamber of deputies. Indeed, while the former has made the most of the instruments provided by the Lisbon treaty in the attempt of becoming the bridging institution, the latter did not take any concrete advantage of them. This statement is demonstrated by several innovations the Senate has recently introduced. Indeed, the 14th Committee of the Senate introduced on 12 March 2014, a standing subcommittee for relations with the Regions concerning the policies of the European Union charged with the task of examining, as a preliminary investigation, the issues inherent in the policies of the European Union, in relation to the competences of the Regions and the autonomous provinces.

Furthermore, on September 24, an agreement was concluded between the Committee and the Conference of the Presidents of regional councils for a better coordination between the Senate and the regional councils. The agreement commits the parties in the realization of a shared planning of the activities of participation in the ascending phase of the European law, with a particular focus on the subsidiarity and proportionality principles, to the examination of the opinions expressed in the context of the political dialogue and the examination of the annual Work Program of the European Commission. The deal also provides for new experimental procedures that better meet the need for timely connection with regional assemblies²⁹ and the commitment of the Commission to give evidence in his own deliberations on the single European proposals, of the qualifying points raised from the regional legislatures and from the autonomous provinces (Romaniello 2017a, 323).

The latest innovation in terms of cooperation between the regional councils and the Senate dates to December 3, 2015. It consists in the Protocol signed by the Speaker of the Senate and the Coordinator of the Conference of the Presidents of Regional Councils whose purpose was, among others, to achieve a more coordinated scrutiny and to effectively implement European policies. To this

²⁹ That is: the provision of informal hearings of the Conference at the 14th Commission for the discussion of European dossiers considered to be of common interest with the Regional Councils; the identification of a procedure, in the context of subsidiarity control and political dialogue, which allows for the regional councils to be informed in advance on the calendar of the Commission's meetings.

end, the Protocol establishes tools such as the sharing of expertise and procedures, as well as a joint research and training for the senators and the regional councillors (Fasone 2017, 152).

As these measures prove, the Senate has always shown greater attention to regional issues and its orientation fits well into the debate about a possible reform of the bicameral arrangement. The possibility of overcoming symmetrical bicameralism has meant that the Senate itself, through its hyper-activism, had begun to claim a key role in European affairs in linking together the supranational dimension of the European Union and the territorial dimension of the Regions (Romaniello 2017a, 323).

Therefore, the answer to the initial question, that is to say if an active Senate at European level is really needed, is provided by the same Italian institutional and territorial structure. Although the negative outcome of the 2016 Constitutional Reform Bill prevented the formal recognition of the Senate as bridging institution, all the instruments established by the Italian upper chamber (like the creation of the ad hoc subcommittee, the above-mentioned protocol as well as the joint training activities of the Senate's and regional councils' officials) make an ever-growing Europeanization of the Senate's coordinating role with regional councils highly likely in the future.

Given the recent failure, Senate officials³⁰ are sceptical about an imminent attempt to reform the bicameral form and specifically the role of the Senate. Nevertheless, there are instruments, to date not sufficiently exploited, such as the bicameral committee of regional affairs whose composition could be integrated with representatives of regional and local self-government in order to allow the Senate to show its 'federative' vocation thanks to the role of coordination that covers the different levels of government (Fasone 2017, 156).

To sum up, despite the Italian Senate ranks among the most active European chambers, its activism should be enriched with a better coordination with regional councils' opinions and standpoints so as to be able to reflect on the European level the specificity and complexity of the Italian territorial and institutional panorama.

Starting from these considerations, various alternatives are available regarding the possible composition of a Senate representing territorial units. A first source of inspiration may be the German Bundesrat where the Landers are represented through their executives. In the Italian case, however, *Giunta* (i.e. the regional executive) representatives should be integrated with members elected by regional councillors in or outside their assembly. In fact, "a regional executive chamber would end up exacerbating the state of tension that exists between the constitutional organs of the Region

³⁰ Information gathered from a semi-structured questionnaire) addressed to a sample of four Italian Senate officials.

and could lead to a disarticulation of the legislative function with the executive function" (Mangiamele 2010, 3).

A second alternative is represented by a Senate in which regional representatives are joined by local authorities. On the basis of the autonomy that article 114³¹ of the Constitution attributes to local authorities, this solution may be the most consistent with our constitutional system.

According to a third option, territorial representatives should be complemented with representatives directly elected in occasion of the election of Regional Councils. This alternative would certainly guarantee a smooth transition softening the resistance of current senators who would preserve the hope of re-election³².

While recognizing the importance of enhancing the local authorities and all the components of the republic, there is a solution that would allow us to overcome peer-based bicameralism while remaining in line with the classic federal tradition. It has indeed been noted that no second federal chamber provides for the participation of local authorities such as Municipalities and Provinces. Moreover, they cannot carry out a sovereign function such as the legislative one which the first paragraph of Article 117 explicitly attributes only to the State and the Regions. This option provides for the maintenance of two main institutional subjects (the State and the Regions) and consequently a Senate that is primarily the expression of the regional authorities. According to this perspective a solution could be a chamber composed of the Presidents of the Regions, some members of the *Giunta* and members nominated by the Regional Councils (Violini 2014, 7). Moreover, if the members are selected among the members of the Councils themselves, the Senate would be conferred a bridging role between the interests of the centre and the peripheral ones.

Nevertheless, this hypothesis would prevent the variegated structure of relations between the State, Regions and local authorities to be fully grasped. As Castelli observes, a "Chamber of the Regions" would risk being incomplete and not in tune with the typical characteristics of our form of state, identified by the Title V (2010, 148). The equalization of territorial authorities expressed in Article 114 should constitute the legal basis for an effective participation of local authorities in the legislative procedure affecting competencies these actors are constitutionally provided with (Castelli 2010, 152). In line with this option, the reform should merely follow principles already contained in constitutional provisions.

³¹ According to Article 114: "The Republic is composed of the Municipalities, the Provinces, the Metropolitan Cities, the Regions and the State. Municipalities, provinces, metropolitan cities and Regions are autonomous entities having their own statutes, powers and functions in accordance with the principles laid down in the Constitution [...]"

³² These hybrid solutions are not new. As previously mentioned in the chapter, the so-called "Bozza Violante" had proposed the creation of a mixed-composition chamber with a directly elected component and one formed through an indirect procedure representing Regions and local authorities.

To sum up, a desirable reform of the Italian Senate should include local autonomies in the legislative procedure. This participation could be achieved directly, with the inclusion of local representatives in the composition of the second chamber, or indirectly through cooperation between the existing State-Local Autonomies conferences and a reformed Senate of the Regions. As this paragraph tried to demonstrate, a reform is possible, it 'only' remains to find a way to overcome the remaining resistances.

The Belgian Senate: an unwanted mediator

If in Italy the Senate as mediator is widely desired and deemed necessary in order to integrate the "pluralism in unity [and] the multiple in one" (Elias 2001, 15), in Belgium, on the contrary, sub-national entities fear this possibility. The absence of any hierarchy between the different territorial levels, does not allow the federal state to have the last word either at the level of internal politics, nor in the foreign domain where the entities have the right to intervene directly on the basis of the division of competences (e.g. stipulating international agreements). The addition of Declaration No. 51 to the Treaty of Lisbon confirms this tendency by placing the nine Belgian legislative assemblies on the same footing since they all meet the vague criterion imposed by Article 6 of Protocol No. 2 of the Treaty (i.e. being an assembly with legislative functions).

As previously seen, the Declaration No. 51 set a cumbersome procedure that makes it really hard to activate the EWM. As in the Italian case, a possible solution to this problem could be a reinforced Senate as linking institution which may harmonize the multilevel governance (Castelli 2010, 156). This option would also put an end to the progressive weakening of the Belgian upper chamber started with the 4th state reform in 1993, while easing the coordination between the several actors involved at the same time. Nevertheless, as anticipated, this result is to be considered highly unlikely due to the weight that the federated entities have both in internal and foreign policy.

The Regions and the Communities, jealous of their prerogatives, are worried that a mediating Senate may trample their interests³³. For this reason, despite the difficulties, they prefer to intervene first-hand in the international arena in general, and in the relationship with the European Commission in this specific case. Among other things, the Senate would undoubtedly guarantee technical support in organizing debates to harmonize the different views by ensuring compliance with the deadline to forward the reasoned opinions. The problem is that regional legislatures do not want their position to be harmonized by a third actor since they perceive the coordination of a federal

³³ As previously noted, the Flemish assembly is the main opponent of this option.

actor more as a threat to their autonomy than as an incentive for cooperation (Romaniello 2015, 32).

In the light of these considerations, in Belgium an active Senate is not necessary to ensure better interaction with the European institutions. In the Belgian political panorama, there are two major positions: the bulk of those belonging to the French speaking group³⁴ pleading for a strengthening of the Senate, and the majority of politicians mainly belonging to the N-VA and to other Flemish political parties, who claims for its abolition. According to them, a Senate intended to manage conflicts is superfluous, considering all the safeguards and guarantees already provided in the House of Representatives and in the overall decision-making procedure for the language groups (Popelier and Lemmens 2015, 119). Christine Defraigne, member of the MR and President of the Senate, believes that an abolition of the upper chamber would mean an abolition of the state. Nevertheless, if on the one hand it is true that the Senate is widely considered as an unavoidable institution of the federal structure, it is not always the case. We should understand what is the meaning of an institution that is gradually turning into an empty shell and to come up with a solution more feasible to the Belgian context.

In 1995 an attempt to create a Federal Advisory Committee on European Affairs (*Comité d'avis fédéral chargé des questions européennes*), made up of senators, deputies and Belgian MEPs was made but it turned to be unsatisfying due to its Council-oriented attitude. Learning from the past mistakes a possible solution to the need for improved interactions with EU bodies could be the strengthening and the revision of such a Committee which would ensure at the same time the preservation of the precarious equilibrium existing between the linguistic groups.

As this analysis demonstrated, it is not possible to draw any general conclusion concerning the impact European integration is having at the national level and significant assessments should be carried out on the basis of the specific context. For this reason, the final chapter is devoted to some concluding remarks and will leave the door open to possible further developments.

CONCLUSIONS

The purpose of this research was to analyse the following two-fold research question: a) does the Europeanization influence the functions of the second Chambers? And b) Do second chambers still have a role to play within the broader European institutional framework? The hy-

³⁴ This proposal was made by former Senator Armand De Decker, a member of the Reformer Movement (MR), a French-speaking liberal party.

potheses investigated were that Europeanization does, to a certain extent, affect the role of the upper houses and that the scope of this impact is indeed ambiguous.

The theoretical choice of this work is in line with most of the existing studies which opted for the Neo-institutional paradigm. Indeed, from a macro-perspective, institutions are influenced by past sediments which provoke their rigidity and affect their evolutionary process by thus slowing down or even preventing any attempt to reform. In this investigation, European integration was considered as the main driver of domestic institutional adaptation which, however, has been far from being homogeneous and each national path reflected the deep heterogeneity of the institutional landscape of the country (Romaniello 2015, 34). In order not to have a partial picture, European integration's impact must be examined in conjunction with specific domestic factors. For this reason, to bring evidence to the dual research question the attention was necessarily limited to the case of Belgium and Italy.

This work tried to demonstrate that second chambers still have a role to play within the broader European institutional framework and that their role is far from being outdated. A case-by-case judgement is based on specific characteristics and features of each country. Bicameralism is worldwide under pressure to the point that some states even decided to dispense with bicameralism completely like Serbia (1991), Peru (1993), Venezuela (1999), Croatia (2001) and Kyrgyzstan (2007). The threats to which second chambers are exposed emerge even clearly if we limit our attention to the EU where bicameralisms are all subjected, to some extent, to strong pressures, where the reforms have remained incomplete.

Despite these considerations, in some cases upper chambers can be an efficient tool in reconnecting the different layers of the European compound Constitution, through a strong integration of territorial political representation (Fraguena 2016). Thus, recognizing them the role of intermediary between the regions, the state and the EU would provide an opportunity to overcome the current democratic deficit by conferring them a key role in the interplay of the different actors.

Nor in Belgium nor in Italy the justifications on which bicameralism has historically based its existence are still acceptable (Russell 2002). Indeed, neither the necessity to represent the elite's interests, nor the need to examine the lower chamber's action (i.e. checks and balances) by providing at the same time a better-quality legislation (i.e. second-thought role), seem to fit the examined cases. Nevertheless, their highly-decentralized nature provides a valid justification to the existence of a bicameral system and support the idea that those Senates whose purpose is to give voice to the manifold interests, seem to be more prompt to adapt to the impact of the European integration by absorbing European incentives and by reshaping their institutional set-up with a look to domestic needs.

Internal adaptation in Italy and Belgium was examined with a specific focus on the development that followed the instruments institutionalized by the Lisbon Treaty, namely the Political Dialogue and the Early Warning Mechanism. Thanks to the latter, upper houses have turned to play a reinforced role (at least formally) because of the equal distribution of votes between the two chambers of the parliament regardless of the internal institutional setting. Under this consideration, some scholars look at a “rise of the Senates” (Kiiver 2012) at the European level as a possible scenario in the near future. Both the Political Dialogue and the EWM have undoubtedly introduced a strong element of parliamentarization that created the chance for NPs to overcome their executives in the interaction with European institutions. However, in the case of the subsidiarity control mechanism there are some weaknesses due to the unclear wording used in Protocol No. 2. This lead, most of the time, to a lack of coordination between National Parliaments and between lower and upper chambers in the case of bicameral systems. For this reason, relations with the Commission mainly rely on the political dialogue also due to NPs’ preference for a more flexible and informal tool whose broader scope allows national legislatures to establish discussions that go beyond the subsidiarity check.

The Lisbon Treaty resulted from the Commission’s realization of the necessity to address the ‘democratic deficit’ which made the scholars talk about the ‘deparliamentarization phenomenon’ provoked by the process of European integration at its early stage. It is no secret that starting from the Treaties of Rome (1957), the European Community (later evolved into the EU) has been mainly shaped by the national executives which took on several policy areas formerly allocated to the parliamentary jurisdiction.

In this perspective, the research was devoted to the specific reaction of second chambers as part of the national parliaments. Indeed, notwithstanding the abundant literature on the Europeanization of NPs, there is a significant gap on the role of upper houses in the European decision-making process. The reason behind this gap probably lies in the secondaryness that is generally attributed to them vis-à-vis the lower ones. However, the interaction mechanisms established by the Lisbon treaty highlighted the trend of a higher degree of activism among upper chambers rather than among the lower ones, that justifies Kiiver’s idea of the “rise of the Senates”. However, any generalization should be avoided given that the validity of this argument strictly depends on the context to which it applies. The examination of Italy and Belgium showed that national arrangements regarding the internal allocation of competences and the distribution of powers have the final say. In Italy, the Senate proved to be particularly reactive especially concerning the Political Dialogue which was used to establish a direct relationship with European institutions not only in case of violation of the subsidiarity principle but also to express positive opinions on European proposals.

On the contrary in Belgium, the annexation of Declaration No. 51 to the Lisbon Treaty assured that the domestic distribution of competencies prevailed. The absence of any hierarchy among all the nine parliamentary assemblies of the country was reflected in the rules of operation of the EWM by thus making sure that no one among them prevails over the others. Consequently, the Belgian Senate has suffered a further reduction in power which was even worsened by the accord Papillon in 2011. In this case, the ongoing devolutionary process, the Declaration No.51 and the preference of the federated entities to interact directly with European institutions lead to a ‘rise of the regional parliaments’ rather than to a strengthening of the federal upper house which is regarded as a threat to their interests.

Therefore, even though the Belgian 6th state reform announced the role of the Senate to link together the different territorial layers, in the end the federated entities bypass the federal step by acting on their own.

A Senate empowered to connect the supranational dimension of the European Union to the national level as well as to the subnational one would help to reconcile positions from the compound government. The negative outcome of the Italian 2016 Constitutional Reform Bill prevented the formal recognition of the Senate as bridging institution, however, all the instruments established by the Italian upper chamber (the creation of ad hoc subcommittees, and the joint training activities of the Senate’s and regional councils’ officials just to recall a few) make an ever-growing Europeanization of the Senate’s coordinating role with regional councils highly likely in the future. Given the recent failure, some Senate officials are sceptical about an imminent attempt to reform the bicameral form and specifically the role of the Senate. Nevertheless, there are instruments that could be better exploited. For instance, the composition of the bicameral committee of regional affairs could be integrated with representatives of regional and local self-government in order to allow the Senate to coordinate the different layers by thus realizing its ‘federative’ vocation.

To sum up, despite the Italian Senate ranks among the most active European chambers, its activism should be enriched with a better coordination with regional councils’ opinions and standpoints to be able to reflect on the European level the specificity and complexity of the Italian territorial and institutional panorama. Indeed, the Italian system is based on a “historical and cultural tradition strongly connoted by municipalism” (Castelli 2010, 158) that requires an Italian “way to federalism” (Ruggiu 2006, 407) in which not only the regions but also local authorities such as Municipalities and Provinces have a say. Under this light, the current system of Conferences should be reinforced to better integrate Senate’s activism at European level with the interests of the smaller actors. The Senate should take up the role of bridge-builder to project territorial interests

at the centre by returning to the parliament its centrality as “the indispensable structure of integration of pluralism in unity, of the multiple in one” (Elia 2001, 15).

If in Italy the Senate as mediator is widely desired and deemed necessary, in Belgium, on the contrary, sub-national entities fear this possibility. The absence of any hierarchy between the different territorial levels, does not allow the federal state to have the last word either at the level of domestic politics, nor in the foreign affairs where the entities right to act relies on the allocation of competencies. The cumbersome procedure resulted from the compromise behind the Declaration No. 51 does not allow the Belgian legislative assemblies to efficiently interact with the European Commission. As for the Italian case, a possible solution to this deficiency could be a reinforced Senate which will be responsible for the harmonization of the multilevel governance and whose role will facilitate the activation of the mechanisms provided by the EU. Furthermore, this would stop the gradual transformation of the Belgian Senate into a meaningless body. Unfortunately, given the attitude federated entities show, this result seems to be very unlikely. Indeed, Regions and Communities are jealous of their prerogatives and they do not willingly accept a mediating Senate whose action could jeopardize their specific interests.

In the light of these considerations, in Belgium the strengthening of the Senate is not a feasible option to improve interactions with the European institutions. In the fourth chapter we saw that in the Belgian political panorama there are two major positions: the bulk of those pleading for a strengthening of the Senate, and the those claiming for its abolition. According to them, a Senate intended to manage conflicts is superfluous, considering all the safeguards and guarantees already provided in the House of Representatives and in the overall decision-making procedure for the language groups. Even if the Senate is widely considered as an unavoidable institution of the federal structure, it is not always the case. We should understand what is the meaning of an institution that is gradually turning into an empty shell and to come up with a solution more feasible to the Belgian context. A possible solution may be reviewing the role of the Comité d'avis fédéral chargé des questions européennes. Its limit mainly stemmed from its Council oriented attitude, but by learning from the past mistakes, improved interactions with EU bodies could be realized. Moreover, the strengthening and the revision of such a Committee would ensure at the same time the preservation of the precarious equilibrium between the linguistic groups.

In short, the European integration does, to a certain extent, affect the role of the upper houses but the scope of this impact is indeed ambiguous. The analysis of the Italian and of the Belgian case brought evidence to the theory according to which it is not possible to draw any general conclusions and national peculiarities should be considered before expressing any opinion.

The Lisbon Treaty pushed upper chambers to rethink their position in the framework of an unfolding context and in the attempt of finding a new *raison d'être* in the complexity of the European institutional structure. However, while in Italy the Senate is trying to take advantage from the instruments provided by the Union, in Belgium the institutional arrangement prevented its upper chamber to prevail among the other legislative assemblies.

To sum up, albeit in a different way, Europeanization is triggering reactions from second chambers, which are struggling to reaffirm their role and to improve relations between the national, the subnational and the European level. However, their efforts are threatened by stalemates and uncertainties spreading from the European decision-making process which inevitably reverberate on the national institutions and especially on those second chambers which have committed to europeanize themselves.

We can therefore conclude that while in Italy the idea of a “rise of the Senate” could be true, in Belgium it is certainly groundless.

BIBLIOGRAPHY

Börzel Tanja A. "Towards convergence in Europe? Institutional adaptation to Europeanization in Germany and Spain". *Journal of Common Market Studies*, 1999, 37:4, 573-596.

Börzel Tanja, "Europeanization and territorial institutional change: toward cooperative regionalism", In Cowles, Maria Green, James A. Caporaso, and Thomas Risse-Kappen, *Transforming Europe: Europeanization and domestic change*, Ithaca, N.Y.: Cornell University Press, 2001, 137-158.

Brillat, Manuela. "La probable réforme impossible du Sénat italien." *Revue française de droit constitutionnel*, 2016, 3, 575-600.

Campodonico Francesco, (2016) *A Chamber to protect democracy. Nature and functions of the Second Chamber in Costantino Mortati constitutional doctrine*, Bicameralism under Pressure, LUISS Guido Carli University - Rome date:1-3 May 2016.

Capuano Davide Alberto, "European Affairs in the Senate of the Republic", in Lupo Nicola & Piccirilli Giovanni, *The Italian Parliament in the European Union*, UK: Hart Publishing, 2017, 119-137.

Capuano Davide Alberto, "Il Senato e l'attuazione del trattato di Lisbona, tra controllo di sussidiarietà e dialogo politico con la Commissione Europea", in www.amministrazioneincammino.luiss.it available at http://www.amministrazioneincammino.luiss.it/app/uploads/2011/01/Capuano_Senato-e-Trattato-Lisbona.pdf

Castelli Luca, *Il Senato delle autonomie. Ragioni, modelli, vicende*, Padova: Cedam, 2010.

Council of Europe Venice Commission. 2006. Report on Second Chambers in Europe – "Parliamentary complexity or democratic necessity?", Strasbourg: Council of Europe available at [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL\(2006\)059rev-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL(2006)059rev-e)

Cygan, Adam, "The parliamentarisation of EU decision-making? The impact of the Treaty of Lisbon on national parliaments". *European law review*, 2011, 4:36, 480-499.

Dandoy Régis, Dodeigne Jérémy, Reuchamps Min & Vandeleene Audrey, "The new Belgian Senate. A (Dis)continued Evolution of Federalism in Belgium?", *Representation*, 2015, 51:3, 327-339.

De Winter Lieven & Thierry Laurent. "The Belgian parliament and European integration", *The Journal of Legislative Studies*, 1995, 1:3, 75-91.

Elia Leopoldo, *Relazione generale*, in *Il Parlamento*, Annuario A.I.C 2000, Cedam, 2001.

Elizabeth Bomberg & John Peterson, "Policy Transfer and Europeanization: Passing the Heineken Test?", Queen's Papers on Europeanisation p0002, Queens University Belfast, 2000.

Esposito Antonio, "European Affairs within the Chamber of Deputies", in Lupo Nicola & Piccirilli Giovanni, *The Italian Parliament in the European Union*, UK: Hart Publishing, 2017, 99-118.

Esposito Antonio, “La legge 24 dicembre 2012, n. 234 sulla partecipazione dell’Italia alla formazione e all’attuazione della normativa e delle politiche dell’Unione Europea. Parte I–prime riflessioni sul ruolo delle Camere”, 2013, 1-74.

Faraguna Pietro, “How Does the EU Challenge Bicameralism? First Reflections from the Italian Constitutional Experience” (May 2, 2016), Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2774864

Fasone Cristina, “La procedura sperimentale per la partecipazione della Camera dei deputati alla fase ascendente”: quali margini di intervento per le Assemblee legislative regionali?”, *Amministrazione in cammino*, 2009, 1-6.

Fasone Cristina, “The Coordination with the Regional Councils”, in Lupo Nicola & Piccirilli Giovanni, *The Italian Parliament in the European Union*, UK: Hart Publishing, 2017, 139-156.

Featherstone Kevin, and George Kazamias. *Europeanization and the southern periphery*. New York: Routledge, 2014.

Fusaro Carlo, “Bicameralism in Italy. 150 Years of Poor Design, Disappointing Performances, Aborted Reforms”, Available at http://www.carlofusaro.it/in_english/Bicameralism_in_ITA_2013.pdf, Accessed 16 April 2018.

Howell Kerry, “Developing Conceptualizations of Europeanization and European Integration: Mixing Methodologies”. Sheffield, UK: ESRC Seminar 1 / UACES Study Group 2, 2002.

Kenny David, “The failed referendum to abolish the Ireland’s Senate: defending bicameralism is a small and relatively homogenous country”, being published in R. Albert, A. Baraggia, C. Fasone, *Bicameralism under pressure: constitutional reform of national legislatures*, Edward Elgar.

Kiiver Philipp, “The conduct of subsidiarity checks of EU legislative proposals by national parliaments: analysis, observations and practical recommendations”, in *ERA Forum*. 2012, 12:4, 535-547.

Kiiver Philipp, *The national parliaments in the European Union: A critical view on EU constitution-building*. Vol. 50. The Hague: Kluwer law international, 2006.

Ladrech Robert, “Europeanization of Domestic Politics and Institutions: The case of France”. *Journal of Common Market Studies*, 1994, 32:1, 69-87.

Mangiameli Stelio, “Il Senato federale nella prospettiva italiana”, *Rassegna parlamentare*, 2010, 52:1, 167-189.

Marks Gary, “Structural Policy and Multi-level governance in the EC”, in A. Cafruny and G. Rosenthal (Eds.), *The State of the European Community*, 2, 1993.

Mastias Jean, “Les secondes chambres en Europe occidentale: légitimité? utilité?”, *Revue internationale de politique comparée*. 1999, 6 :1, 163-188.

Matarazzo Raffaello & Leone Jacopo, “Sleeping Beauty Awakens: The Italian Parliament and the EU after the Lisbon Treaty”, *The International Spectator*, 2011, 46:3, 129-144.

Mill John Stuart, *Considerations on Representative Government*, New York: Harper and Brothers Publisher, 1862.

Norton Philip, *National Parliaments and the European Union*, London: Psychology Press, 1996.

Norton Philip. "Adding value? The role of second chambers" *Asia Pacific Law Review*, 2007, 15.1: 3-18.

Popelier Patricia & Lemmens Koen, *The Constitution of Belgium: A Contextual Analysis*. Oxford: Bloomsbury Publishing, 2015.

Popelier Patricia, and Werner Vandenbruwaene. "The Subsidiarity Mechanism as a Tool for Inter-Level Dialogue in Belgium: On 'Regional Blindness' and Cooperative Flaws", *European Constitutional Law Review*, 2011, 7:2, 204-228.

Radaelli Claudio, "Whither Europeanization? Concept stretching and substantive change", *European Integration Online Papers*, 2000, 4:8, 1-25.

Romaniello Maria "Assessing Upper Chambers' Role in the EU Decision-Making Process", LUISS Guido Carli School of Government Working Paper N° SOG-WP26/2015, 2005.

Romaniello Maria, "Upper Chambers in EU Affairs. Scrutinising German and Belgian federalism", *Federalismi* Available at https://www.researchgate.net/publication/281099737_Upper_Chambers_in_EU_Affairs_Scrutinising_German_and_Belgian_federalism

Romaniello Maria, "Le procedure europee presso il parlamento italiano", in Lupo Nicola and Lipolis Vincenzo, *Il Parlamento dopo il referendum, Il Filangeri-Quaderno 2015-2016*, Jovene, Napoli, 2017a, 305-325.

Romaniello Maria, "The Italian Symmetrical Bicameral System in EU Affairs", in Lupo Nicola & Piccirilli Giovanni, *The Italian Parliament in the European Union*, UK: Hart Publishing, 2017.

Rossi Lucia Serena, "Riforma della Costituzione italiana e partecipazione all'Unione europea", *Federalismi. It*, 2016, 18, 1-13.

Rossi Lucia Serena, "Una nuova legge per l'Italia nell'Ue" (2013, February 18). *Affari Internazionali*. Available at <http://www.affarinternazionali.it/2013/02/una-nuova-legge-per-litalia-nellue/>

Ruggiu Ilenia, *Contro la Camera delle regioni: istituzioni e prassi della rappresentanza territoriale*, Napoli: Jovene, 2006.

Russell Meg and Mark Sandford, "Why are Second Chambers so Difficult to Reform?", *The Journal of Legislative Studies*, 2002, 8:3, 79-89.

Sartori Giovanni, "Concept misformation in comparative politics". *American political science review*, 1970, 64:4, 1033-1053.

Shell Donald, "The History of Bicameralism", in Baldwin N. D. J. & D. Shell (eds.), *Second Chambers*, London or Portland: Frank Cass, 2001, 5-18.

Sieyès Emmanuel Joseph, *Préliminaire de la Constitution. Reconnaissance et exposition*

Strazza Michele, “La nascita delle regioni ordinarie”, *Storia in network*, 143:4, 2008 available at <http://win.storiain.net/arret/num143/artic4.asp>

Violini Lorenza, “Le prospettive di riforma del bicameralismo italiano”. *Il Piemonte delle Autonomie* 1, 2014.

Wheare Kenneth Clinton, *Federal government*, London; New York: H. Milford; Oxford University Press, 1946.

Windhoff-Héritier Adrienne, *Differential Europe: the European Union impact on national policymaking*. Oxford: Rowman & Littlefield, 2001.

Wolfs Wouter & Caterina Cigala, *The Scrutiny of EU Documents in Bicameral Systems: Opportunity or Weakness?*, Bicameralism under Pressure, LUISS Guido Carli University - Rome date: 1-3 May 2016.

Database and official documents

Archives of the Italian constitutional transition 1944 – 1948

http://archivio.camera.it/patrimonio/archivi_della_transizione_costituzionale_1944_1948

Constitution of Italy, 22 December 1947, available at:

<https://www.senato.it/documenti/repository/istituzione/costituzione.pdf>

Constitution of Belgium (1831), coordinated on 17 February 1994, available at:

http://www.senate.be/doc/const_fr.html

Data European Commission on Political Dialogue and EWM (2016):

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017DC0601>

Resolution of December 20, 2017, Riforma organica del Regolamento del Senato. (18A00362) (GU Serie Generale n.15 del 19-01-2018) available at:

<http://www.gazzettaufficiale.it/eli/id/2018/01/19/18A00362/sg>

Resolution of the 14th Commission of 23rd October 2013, Doc. XXIV n. 11

The LUISS School of Government (SoG) is a graduate school training high-level public and private officials to handle political and government decision-making processes. It is committed to provide theoretical and hands-on skills of good government to the future heads of the legislative, governmental and administrative institutions, industry, special-interest associations, non-governmental groups, political parties, consultancy firms, public policy research institutions, foundations and public affairs institutions.

The SoG provides its students with the skills needed to respond to current and future public policy challenges. While public policy was enclosed within the state throughout most of the last century, the same thing cannot be said for the new century. Public policy is now actively conducted outside and beyond the state. Not only in Europe but also around the world, states do not have total control over those public political processes that influence their decisions. While markets are Europeanised and globalised, the same cannot be said for the state.

The educational contents of the SoG reflect the need to grasp this evolving scenario since it combines the theoretical aspects of political studies (such as political science, international relations, economics, law, history, sociology, organisation and management) with the practical components of government (such as those connected with the analysis and evaluation of public policies, public opinion, interests' representation, advocacy and organizational leadership).

For more information about the LUISS School of Government and its academic and research activities visit. www.sog.luiss.it

SUBMISSION GUIDELINES

LUISS School of Government welcomes unsolicited working papers in English and Italian from interested scholars and practitioners. Papers are submitted to anonymous peer review. Manuscripts can be submitted by sending them at sog@luiss.it. Authors should prepare complete text and a separate second document with information identifying the author. Papers should be between 8,000 and 12,000 words (excluding notes and references). All working papers are expected to begin with an indented and italicised abstract of 150 words or less, which should summarise the main arguments and conclusions of the article. Manuscripts should be single spaced, 11 point font, and in Times New Roman.

Details of the author's institutional affiliation, full postal and email addresses and other contact information must be included on a separate cover sheet. Any acknowledgements should be included on the cover sheet as should a note of the exact length of the article. A short biography of up to 75 words should also be submitted.

All diagrams, charts and graphs should be referred to as figures and consecutively numbered. Tables should be kept to a minimum and contain only essential data. Each figure and table must be given an Arabic numeral, followed by a heading, and be referred to in the text. Tables should be placed at the end of the file and prepared using tabs. Any diagrams or maps should be supplied separately in uncompressed .TIF or .JPEG formats in individual files. These should be prepared in black and white. Tints should be avoided, use open patterns instead. If maps and diagrams cannot be prepared electronically, they should be presented on good quality white paper. If mathematics are included, 1/2 is preferred.

It is the author's responsibility to obtain permission for any copyrighted material included in the article. Confirmation of Workinthis should be included on a separate sheet included with the file.

SOG WORKING PAPER SERIES

The LUISS School of Government aims to produce cutting-edge work in a wide range of fields and disciplines through publications, seminars, workshops, conferences that enhance intellectual discourse and debate. Research is carried out using comparative approaches to explore different areas, many of them with a specifically European perspective. The aim of this research activities is to find solutions to complex, real-world problems using an interdisciplinary approach. LUISS School of Government encourages its academic and student community to reach their full potential in research and professional development, enhancing career development with clear performance standards and high-quality. Through this strong focus on high research quality, LUISS School of Government aims to understanding and influencing the external research and policy agenda.

This working paper series is one of the main avenues for the communication of these research findings and opens with these contributions.

WP #1 – Sergio FABBRINI, *Intergovernmentalism and Its Outcomes: the Implications of the Euro Crisis on the European Union* SOG-Working Paper 1, January 2013.

WP #2 - Barbara GUASTAFERRO, *Reframing Subsidiarity Inquiry from an “EU value-added” to an “EU non encroachment” test? Some Insights from National Parliaments’ Reasoned Opinions.* SOG-Working Paper 2, February 2013.

WP #3 - Karolina BOROŃSKA-HRYNIEWIECKA, *Regions and subsidiarity after Lisbon: overcoming the ‘regional blindness’?*, SOG-Working Paper 3, March 2013.

WP #4 - Cristina FASONE, *Competing concepts in the early warning mechanism*, SOG-Working Paper 4, March 2013.

WP #5 - Katarzyna GRANAT, *Institutional Design of the Member States for the Ex Post Subsidiarity Scrutiny*, SOG-Working Paper 5, March 2013.

WP #6 – Cecilia Emma SOTTILOTTA, *Political Risk: Concepts, Definitions, Challenges*, SOG-Working Paper 6, April 2013.

WP #7 – Gabriele MAESTRI, *Il voto libero: la necessità di regole chiare e trasparenti sul procedimento preparatorio e di un contenzioso che decida rapidamente*, SOG-Working Paper 7, July 2013.

WP #8 – Arlo POLETTI & Dirl DE BIÈVRE, *Rule enforcement and cooperation in the WTO: legal vulnerability, issue characteristics, and negotiation strategies in the DOHA round.*, SOG-

Working Paper 8, September 2013.

WP #9 - Sergio FABBRINI, *The Parliamentary election of the Commission President: constraints on the Parlamentarization of the European Union*, SOG-Working Paper 9, October 2013.

WP #10 - Lorenzo DONATELLI, *La disciplina delle procedure negoziali informali nel "triangolo decisionale" unionale: dagli accordi interistituzionali alla riforma dell'articolo 70 del regolamento del Parlamento Europeo*, SOG Working Paper 10, October 2013.

WP #11 - Mattia GUIDI & Yannis KARAGIANNIS, *The Eurozone crisis, decentralized bargaining and the theory of EU institutions*, SOG Working Paper 11, November 2013.

WP #12 - Carlo CERUTTI, *Political Representation in the European Parliament: a Reform Proposal*, SOG Working Papers 12, January 2014.

WP #13 – Dessislava CHERNEVA-MOLLOVA, *The EP's rules of procedure and their implications for the Eu institutional balance*, SOG Working Papers 13, February 2014.

WP #14 - Luca BARTOLUCCI, *The European Parliament and the 'opinions' of national parliaments*, SOG Working Papers 14, February 2014.

WP #15 - Leonardo MORLINO, *Transitions to Democracy. What We Know and What We Should Know*, SOG Working Papers 15, April 2014.

WP #16 - Romano FERRARI ZUMBINI, *Overcoming overlappings (in altre parole...oltre 'questa' Europa)*, SOG Working Papers 16, April 2014.

WP #17 - Leonardo MORLINO, *How to assess democracy in Latin America?*, SOG Working Papers 17, April 2014.

WP #18 - Nicola LUPO & Giovanni PICCIRILLI, *Some effects of European Courts on national sources of law: the evolutions of legality in the Italian legal order*, SOG Working Papers 18, May 2014.

WP #19 – Cristina FASONE, *National Parliaments under "external" fiscal constraints. The case of Italy, Portugal, and Spain facing the Eurozone crisis*, SOG Working Papers 19, June 2014.

WP #20 - Elena GRIGLIO & Nicola LUPO, *Towards an asymmetric European Union, without an asymmetric European Parliament*, SOG Working Papers 20, June 2014.

WP #21 - Ian COOPER, *Parliamentary oversight of the EU after the crisis: on the creation of the "Article 13" interparliamentary conference*, SOG Working Papers 21, August 2014.

WP #22 – Anne PINTZ, *National Parliaments overcoming collective action problems inherent in the early warning mechanism: the cases of Monti II and EPPO*, SOG Working Papers 22, October 2014.

WP #23 – Valentina Rita SCOTTI, *Religious freedom in Turkey: foreign models and national identity*, SOG Working Papers 23, January 2015.

WP #24 – Davide A. CAPUANO, *Overcoming overlappings in the European Union (entia non sunt multiplicanda praeter necessitatem ...)*, SOG Working Papers 24, February 2015.

WP #25 – Francesco ALICINO, *The road to equality. Same-sex relationships within the european context: the case of Italy*, SOG Working Papers, July 2015.

WP #26 – Maria ROMANIELLO, *Assessing upper chambers' role in the EU decision-making process*, SOG Working Papers 26, August 2015.

WP #27 – Ugljesa ZVEKIC, Giorgio SIRTORI, Alessandro SABBINI and Alessandro DOWLING, *United Nations against corruption in post-conflict societies*, SOG Working Papers 27, September 2015

WP #28 – Matteo BONELLI, *Safeguarding values in the European Union: the European Parliament, article 7 and Hungary*, SOG Working Papers 28, October 2015

WP #29 - Ludovica BENEDEZIONE & Valentina Rita SCOTTI, *Equally victims? Post-revolutionary Tunisia and transitional justice*, SOG Working Papers 29, November 2015.

WP #30 - Marie-Cécile CADILHAC, *The TTIP negotiation process: a turning point in the understanding of the European parliament's role in the procedure for concluding EU external agreements?*, SOG Working Papers 30, December 2015.

WP #31 - Francesca BIONDI & Irene PELLIZZONE, *Open or secret? Parliamentary rules of procedures in secret ballots*, SOG Working Papers 31, December 2015.

WP #32 - Giulio STOLFI, *Tempi (post-)moderni: nuovi impulsi normativi europei alla prova delle sovrapposizioni*, SOG Working Papers 32, January 2016.

WP #33 – Diane FROMAGE, *Regional Parliaments and the early warning system: an assessment*

six years after the entry into force of the Lisbon treaty, SOG Working Papers 33, April 2016.

WP #34 – Luca DI DONATO, *"A behavioral principal-agent theory to study corruption and tax evasion*, SOG Working Papers 34, July 2016.

WP #35 – Giuseppe PROVENZANO, *"The external policies of the EU towards the southern neighbourhood: time for restarting or sliding into irrelevance?"*, SPG Working Papers 35, September 2016.

WP #36 – Rosetta COLLURA, *"Bruegel, EU think tank in the EU multi-level governance"*, SOG Working Papers 36, October 2016.

WP #37 - Franco BRUNI, Sergio FABBRINI and Marcello MESSORI, *"Europe 2017: Make it or Break it?"*, January 2017.

WP #38 - Alina SCRIPCA, *"The Principle of Subsidiarity in the Netherlands and Romania. Comparative Assessment of the Opinions Issued Under the Early Warning Mechanism"*, SOG Working Papers 38, April, 2017.

WP #39 - Eleonora BARDAZZI, Omar CARAMASCHI, *"Italian and European Citizens' Initiatives: Challenge and Opportunities"*, SOG Working Papers 39, April 2017.

WP #40 - Diane FROMAGE and Renato IBRIDO, *"Democratic Accountability and Parliamentary Oversight the ECB. The Banking Union Experience"*, SOG Working Papers 40, June 2017.

WP #41 – Marco CECILI, *"La sussidiarietà e l'early warning system tra diritto e politica. Il caso della c.d. "Direttiva Tabacco" del 2014"*, SOG Working Papers 41, September 2017.

WP #42 - Margherita SPERDUTI, *"La Tutela Giurisdizionale dell'Autonomia Locale. Italia e Spagna a Confronto"*, SOG Working Papers 42, October 2017.

WP #43 - Martinho LUCAS PIRES, *"The Shortcomings of the EU Framework for Transnational Data Transfers and the Need for an international Approach"*, SOG Working Papers 43, November 2017.

WP #44 - Suzanne POPPELAARS, *"The Involvement of National Parliaments in the Current ESM and the Possible Future EMF"*, SOG Working Papers 44, April 2018.

WP #45 - Valerio DI PORTO, *"Il Comitato per la Legislazione, Venti Anni Dopo"*, SOG Working Papers 45, July 2018.

WP #46 – Guido RIVOSECCHI, *"Considerazioni sparse in ordine alle attuali tendenze della produzione normativa"*, SOG Working Papers 46, March 2019.



Working Paper Series
